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OBJECTS OF THE ASSOCIATION.

THE Association is established to aid the development of Social Science, to spread a knowledge of the principles of jurisprudence, and to guide the public mind to the best practical means of promoting amendment of the law, the advancement of education, the prevention and repression of crime, the reformation of criminals, the adoption of sanitary regulations, the diffusion of sound principles on questions of economy and trade, and the cultivation of a high standard of taste in all ranks of the nation. The Association aims to bring together the various societies and individuals who are engaged or interested in furthering these objects; and, without

trenching upon independent exertions, seeks to elicit by discussion the real elements of truth, to clear up doubts, to harmonise discordant opinions, and to afford a common ground for the interchange of trustworthy information on the great social problems of the day.

CONSTITUTION OF THE ASSOCIATION.

THE Association has a President, Vice-Presidents, Presidents and Vice-Presidents of Departments, President of Council, General Secretary, Treasurer, and Foreign Secretary.

The government of the Association is entrusted to a Council and an Executive Committee, constituted under Laws XI. and XII.

The Association is divided into Five Departments: Jurisprudence and Amendment of the Law—Education—Health—Economy and Trade—and Art. Each Department has a President, Vice-Presidents, Secretaries, and Standing Committee.

SUBSCRIPTION AND MEMBERSHIP.

ANY person becomes a member of the Association by subscribing One Guinea annually, or Ten Guineas as a Life Payment. Every member is entitled to attend the Annual meeting of the Association, and to receive a copy of its *Transactions*.

Any member subscribing under Law XX. an additional sum of one Guinea annually, is also entitled to attend the Special meetings of the Departments held in London during the Session, to receive a copy of the *Sessional Proceedings* which contain the publications connected therewith, and to make use of the Library at the Office of the Association.

Any Public Body, such as a Learned Society, a Chamber of Commerce, a Mechanics' Institute, &c., becomes a Corporate member by paying an Annual Subscription of Two Guineas. Every Corporate member receives (without further payment) a copy of the *Transactions*, and may nominate two representatives to attend the meetings of the Association.

LAWS OF THE ASSOCIATION.

Object and Organisation.

I. The object of the Association is to aid the development of Social Science.

II. The Association comprises five Departments: the first, for Jurisprudence and Amendment of the Law; the second, for Education; the third, for Health; the fourth, for Economy and Trade; and the fifth for Art.

III. The Association consists of Ordinary Members, Corporate Members, Foreign Corresponding Members, and Associates.

Terms of Membership.

IV. Any person who pays an Annual Subscription of One Guinea, or a Life Subscription of Ten Guineas, to the Funds of the Association, is an Ordinary Member.

V. Any Public Body paying to the Funds of the Association an Annual Subscription of Two Guineas, is a Corporate Member.

VI. Foreign Corresponding Members are elected by the Council, the number of such Members being limited by Bye-law. Foreign Corresponding Members are exempt from payment.

VII. Any person who pays Half a Guinea to the Funds of the Association is an Associate for the Annual Meeting for which such payment is made.

VIII. The Annual Subscription is payable in advance on the first day of August in each year.

Officers and Government.

IX. The Association has a President, Vice-Presidents, Presidents and Vice-Presidents of Departments, a President of Council, a General Secretary, a Treasurer or Treasurers, Foreign Secretary, and Secretaries of Departments, who are annually elected, and hold office until the appointments of the following year are made; but it is provided that no person be elected President of the Council for a third year continuously.

X. The Association is governed by a Council, and by an Executive Committee, subject to the directions of the Council.

XI. The Council consists of the following persons:—

1. The President, Vice-Presidents, Presidents and Vice-Presidents of Departments, General Secretary, Treasurers, Foreign Secretary, and Secretaries of Departments.

2. Every Member who has filled the office of President or President of a Department, or who has filled for three years the office of General Secretary, Treasurer, Foreign Secretary, or Secretary of Department.

3. Every Member who, up to the 31st of July, 1862, had served for three years as a Member of Council.

4. Every Member of either House of Parliament who is also a Member of the Association.

5. Such Members, not exceeding fifteen in each Department, as shall be annually nominated by the Standing Committee of each Department.

6. Such Representatives of any Branch or Local Association, not exceeding two, as may be nominated from time to time by such Branch or Local Association.

7. Such Representative of any Society existing in connection with the Association as may be nominated from time to time by such Society.

8. Such Representative of any Learned Society, or Chamber of Commerce, being a Corporate Member of the Association, as may from time to time be nominated by such Corporate Member.

9. Such Members as may be nominated by the Association, on the recommendation of the Council, for special services to the Association.

10. Such Members, not exceeding twelve, as shall be annually nominated by the Council, on the recommendation of the Executive Committee.

XII. The Executive Committee consists of the President of Council, the General Secretary, the Treasurer, the Foreign Secretary, one Secretary from each Department nominated by the Council, and twelve Members elected annually by the Council.

XIII. The Council meets at the time of the Annual Meeting of the Association, at three other times during the year, and also when specially summoned by the Executive Committee.

Annual and other Meetings.

XIV. An Annual Meeting for the reception of the Address of the President, and of the Reports of the Council and Standing Committees, and for the reading and discussion of Papers, is held in such place, and at such time, as may be appointed by the Council.

XV. A Business Meeting of the Members is held in each year at the office of the Association, at such time as may be appointed by the Council, to receive a Report from the Council on the financial and other business of the Association, to elect the Officers and Standing Committees for the ensuing year, and to enact such Laws as may from time to time be required.

XVI. The Council has the power of summoning a General Meeting of Members, on fourteen days' notice, for such purpose, and at such time and place, as it thinks fit.

XVII. The General Secretary, on receiving a requisition signed by twenty Members, summons, at such time, being within thirty days, and at such place as he thinks fit, a General Meeting of the Members, for the purposes stated in such requisition.

XVIII. Special Meetings are held in London, under the regulation of the Executive Committee, for reading Papers, and for discussion, on specific questions.

Rights and Privileges of Members.

XIX. Every Ordinary Member has the right of attending and voting at the Annual Meeting, the Business Meeting of Members, and all other General Meetings of the Association, of being eligible to any of its offices, and of receiving gratuitously its *Transactions*.

XX. Any Ordinary Member, whose name has been submitted for that purpose to, and approved by, the Executive Committee, and who pays an additional annual subscription of One Guinea, or an additional life subscription of Ten Guineas, has the privileges of attending and voting at the Special Meetings mentioned in Law XVIII., of receiving all publications issued in connection with such Meetings, and of using the Library at the office of the Association.

XXI. Every Corporate Member receives gratuitously a copy of the *Transactions*, and may nominate two Representatives to attend the Meetings of the Association.

XXII. Every Foreign Corresponding Member has all the rights of an Ordinary Member, except that of eligibility to the Council.

XXIII. Every Associate has the right of attending and voting at the Annual Meeting, held by Law XIV.

Standing and other Committees.

XXIV. A Standing Committee for each Department is annually elected at the Business Meeting of Members. A Standing Committee has the power to appoint Sub-committees.

XXV. Special Committees are appointed by the Association or by the Council, to consider and report on specific subjects of reference.

XXVI. The President of Council is, *ex officio*, a Member of every Standing Committee, and the General Secretary and the Foreign Secretary are, *ex officio*, Members of every Committee and Sub-committee. The Secretary of each Department is, *ex officio*, a Member of every Committee and Sub-committee of such Department.

Constitution and Conduct of Meetings.

XXVII. For General Meetings of the Association twenty Members, for Meetings of the Council seven Members, for those of the Executive Committee five Members, and for those of other Committees and Sub-committees three Members, form a quorum.

XXVIII. At all the aforesaid Meetings the Chairman has a vote; if the votes be equal he has also a casting vote.

XXIX. No original motion, of which previous notice has not been given, is put from the Chair at any Meeting of the Association held under Laws XIV., XV., or XVI.

Finances.

XXX. The funds of the Association are kept in its name at a Bank. All sums received on account of the Association are paid into the Bank; and all cheques on the Bank are drawn by order of the Council or of the Executive Committee, signed by the Treasurer, and countersigned by the Secretary.

XXXI. At the Business Meeting of Members two Auditors, not being Members of the Executive Committee, are appointed on motion, by show of hands, to audit the accounts of the ensuing year.

XXXII. The accounts of the Association are made up to the end of June in each year; and, after being duly audited, are appended to the Annual Report of the Council.

Vacancies in Offices.

XXXIII. The Council fills up any vacancy occurring during the year in any of the offices named in Law IX., or in any other office of the Association.

Transactions.

The *Transactions* of the Association are published by Messrs. Longmans & Co., Paternoster Row; but Members desirous of completing their sets of volumes may obtain copies at the Office of the Association, at the reduced price of 8*s*. each, excepting those of 1857, 1858, 1859, 1866, and 1872. The Journal, *Sessional Proceedings*, issued at short intervals during the Session, may be obtained at the office of the Association, or of P. S. King, Canadian Buildings, King Street, Westminster.

Congress for 1885.

The Annual Meeting of the Association for 1885 will be held at Bath.

BALANCE SHEET FOR THE YEAR ENDING JUNE 30, 1884.

RECEIPTS.

			£	s.	d.
1883.					
July 1.	To Balances:—				
	London and Westminster Bank:—	£90 10 11			
	Ransom & Co.	11 6 0			
	Cash at Office	5 15 1			
			107	12	0
1884.					
June 30.	„ Subscriptions received at Office	359 6 0			
	„ „ „ Bankers	272 19 0			
			632	5	0
	„ Huddersfield Congress, Sale of Tickets ...		270	7	0
	„ *Transactions* and Publications sold ...		68	18	5
	„ Use of Rooms for Meetings		68	1	0
			£1,147	3	5

PAYMENTS.

		£	s.	d.
June 30, 1884.				
By Printing:—*Sessional Proceedings* ...		71	9	3
„ „ Papers and Abstracts for Huddersfield Congress, 1883		15	11	3
„ „ General Account		65	19	9
„ Rent, Gas, and Repairs		247	4	4
„ Salary and Wages		406	13	10
„ Office and House Expenses		51	8	7
„ Library—Books and Bookbinding		10	5	8
„ Stationery		15	10	0
„ *Transactions*, Delivery of		11	7	4
„ Postage		55	10	0
„ Travelling Expenses		40	9	9
„ Reporting Proceedings		60	0	0
„ Parliamentary Papers		3	5	10
„ Subscriptions returned		4	4	0
„ *Manuals* for Congress		25	0	0
„ Advertising		11	3	2
„ Balances:—				
London and Westminster Bank	44 16 7			
Ransom & Co.	6 4 0			
Cash at Office	1 0 1			
		52	0	8
		£1,147	3	5

Examined and found correct—

ANDREW DUNN, }
A. EDGAR, } AUDITORS.

July 17th, 1884.

INTRODUCTION.

THE twenty-eighth Annual Congress was held at Birmingham from the 17th to the 24th of September, 1884. This was the third occasion on which the Association had met in the metropolis of the Midlands, the first meeting of all having taken place here in 1857, and the twelfth in 1868.

The proceedings were opened on Wednesday, the 17th of September, with a service in St. Martin's Church, the sermon being preached by the Very Reverend Lord Alwyne Compton, D.D., Dean of Worcester. The inaugural address of the President, the Right Hon. G. Shaw-Lefevre, M.P.—who in the absence of the retiring President, Sir Richard Temple, was, at the request of the latter, introduced to the meeting by Mr. Hastings, M.P.—was delivered on the same evening in the large lecture theatre of the Midland Institute. A hearty vote of thanks, proposed by the Mayor and seconded by Lord Norton, K.C.M.G., was accorded to the President for his address, which was an able vindication of the policy pursued by the Association.

The addresses of the Presidents of Departments were delivered each morning in the small lecture theatre of the Midland Institute, but the subsequent meetings of the Departments—with the exception of that of Health, which met in the small lecture theatre—were held in Mason

College, where ample accommodation was provided for all our requirements. The Town Hall, which had been suitably decorated and furnished, made an admirable reception room. The local arrangements, carried out under an active local Executive Committee, the indefatigable chairman of which was the Mayor, Mr. Alderman Cook, were in every way complete; and to the local secretaries, Mr. F. B. Goodman, Mr. G. S. Mathews, and Dr. Robert Saundby, the Association is much indebted for the unflagging attention they devoted to the discharge of all the duties of their office. In Mr. W. S. Pritchett, the acting secretary upon whom the chief weight of labour fell, they had a most efficient assistant.

On Thursday, September 18, a Conversazione was given by the Mayor at the Council House, and at the same place on Tuesday, September 23, the Reception Committee received the members of the Association at a second Conversazione.

A working-men's meeting was held in the large theatre of the Midland Institute on the evening of Monday, September 22, the Mayor presiding. Short and interesting addresses were delivered by the President, Viscount Lymington, M.P., Mr. Hastings, M.P., Mr. Oscar Browning, the Rev. Dr. Crosskey, the Rev. Canon Bowlby, and the Rev. W. Tuckwell.

Excursions to various places of interest in the neighbourhood and at a distance were organised by an active local committee, the members of the Association meeting with hearty and hospitable receptions.

The concluding general meeting was held on Wednesday, September 24, when the report from the Council was presented, and the business of the Congress was brought to a close.[1]

It will now be convenient to place on record a *résumé* of

[1] See Appendix A.

the operations of the Association since the issue of the last volume of 'Transactions.'

The Bill to amend and consolidate the law of copyright in works of fine art and photographs, and for repressing the commission of fraud in the production and sale of such works, promoted by a Committee of the Law Amendment Society, and in charge of Mr. Hastings, M.P., was again in the session of 1884 introduced in the House of Commons. The Bill was in all essential points identical with that of the previous session, but it had been carefully revised throughout, more especially in the clauses relating to photography, under instructions from Mr. Basil Field, to whom the promoters, not less than the bodies specially interested and the public generally, are much indebted for the care and labour he has bestowed with a view to make the desired measure as perfect as possible. It is to be regretted that the Bill did not reach the second reading, but Mr. Hastings gave notice that he would re-introduce it in its identical form on an early day in the present session of Parliament.

The Committee of the Jurisprudence Department considered at several meetings the following resolution which had been passed at the Huddersfield Congress: 'That it be a recommendation to the Council of the Association to take into consideration the marriage laws of the several parts of the United Kingdom.'

The Committee were unable, with the demands made upon their time by the consideration of other subjects, to complete their inquiry into this very wide and important reference from the Council, and they could not therefore present any full report of their proceedings. The Council hope, however, that at some future time the Committee may be able to resume their inquiry, and to issue a report which shall contain practical suggestions for an amendment of the law referring to a very difficult and complex subject.

In connection with this matter it is gratifying to record that the large circulation of the 'Memorandum as to French and Belgian Marriage Law,' prepared for the Association by the Standing Committee of this Department in May, 1882, has been attended with practical and useful results, the Archbishop of Canterbury having sought permission to reprint the Memorandum for more general circulation in his Grace's province. The permission requested was accorded, the Council concurring in the desirableness of spreading as widely as possible a knowledge of the facts set forth in this document, as a useful and practical means whereby the danger of invalidity might be brought to the notice of persons about to contract marriage in England with foreigners. And still more recently it has been announced from the office of the French Consulate in London that, as a result of the exchange of diplomatic notes between the English and French Governments, it has 'been decided that French consuls in the United Kingdom shall henceforth (with the object of better assuring the validity of marriages between English and French subjects) be authorised to grant certificates proving that the necessary formalities prescribed by the French law to be complied with previous to the celebration have been carried out in due form in France.' The production of the Consular certificate will establish the 'legal right to have the ceremony performed, and it can then be proceeded with without risk of being subsequently annulled by the courts in France.' The danger of invalidity will by the operation of this arrangement between the two governments be greatly lessened. It is one which was suggested in a series of recommendations issued in 1882 by the Association with the above-mentioned Memorandum.

A report and Bill of a sub-committee, appointed to consider the subject of the 'Administration and Devolution of the Estates of Deceased Persons,' were discussed at various sittings of the Standing Committee of the Jurisprudence

Department. The Bill provided for the devolution of estates in fee simple on the decease of their owner to his personal representatives, subject to the payment of his debts, and for their distribution on intestacy among the next of kin of the deceased in accordance with the Statutes of Distribution, as amended by the proposed measure. The Bill further proposed to reduce the husband's right to the estate of a wife dying intestate to one-third if she had issue surviving, and to one-half if she had none; and to reduce the share taken by the father of an intestate to an amount equal to that of a mother, brother, or sister surviving. The Bill was taken charge of by Mr. Horace Davey, Q.C., M.P., the other names on its back being those of Mr. Hastings, M.P., and Mr. Mellor, M.P. It was read a first time in the House of Commons on February 13, 1884, but the pressure of other business prevented its further progress.

An address in favour of an extension to this country of the system initiated by Sir Robert Torrens in South Australia for the transfer of land by record of rights and interests therein, popularly known as the system for a registration of titles, as opposed to a registration of deeds, was presented to the Attorney-General, Sir Henry James, Q.C., M.P., by a deputation from the Law Amendment Society on Saturday, May 3, 1884. The deputation, which was received by the Attorney-General in his room at the Royal Courts of Justice, included the following:—Sir Richard Temple, Bart., G.C.S.I., C.I.E., D.C.L., LL.D., President of the Association; Sir Robert R. Torrens, K.C.M.G.; Sir James Marshall, late Chief Justice of the Gold Coast Colony; Sir E. W. Stafford, K.C.M.G.; Mr. A. W. McArthur, M.P.; Mr. Hastings, M.P.; Mr. Gainsford Bruce, Q.C.; Mr. Westlake, Q.C.; Mr. W. J. Browne, Mr. H. A. De Colyar, Mr. William Fooks, Mr. Frederick Hill, Mr. Pearson Hill, Mr. Le M. Gretton, Mr. George Tinline, Mr. Frederick

Young (Hon. Secretary, Royal Colonial Institute), Dr. Waddilove, Mr. Westgarth, and the Secretary, Mr. J. L. Clifford-Smith. The Committee, having adverted in the address to the various systems of conveyancing in use, (1) by deed without registration, (2) by registration of deeds, (3) by registration of title, quoted from Lord Cairns extracts in condemnation of the two former methods, and proceeded to maintain that the proper system of conveyancing was by registration of title, or, in other words, by a system of official records of the interests existing from time to time in specific parcels of land. This was the principle of the Torrens system, under which owners of land were entitled to certificates of title. The certificates were in duplicate, one being kept at the office and the other given to the proprietor. Mortgages or other charges were notified on the appropriate folium of the register, and endorsed on the certificate. All registered charges took priority among themselves according to the date of registration, and over all unregistered estates or interests whatsoever, except when registration had been obtained by fraud. The registration of a dealing *bonâ fide* for value was indefeasible, even though it might have been through a party who had obtained registration fraudulently. Extracts were quoted from the evidence of colonial registrars and agents-general, showing the complete success of the Torrens system in the colonies where it was in operation. The full text of the address, which deals very exhaustively with the subject, will be found in the 'Sessional Proceedings,' vol. xvii, No. 2. Sir Richard Temple introduced the deputation to the Attorney-General, with whom was Mr. Leonard Courtney, M.P., Secretary to the Treasury, and observations in support of the address having been made by Mr. Hastings, Sir Robert Torrens, and Mr. Westlake, the Attorney-General, in reply, said that he quite agreed with the deputation as to the importance of the subject they had brought before him, but he feared that

the state of parliamentary business would quite preclude its being practically dealt with during that session. He could however say, both on behalf of the Lord Chancellor and of himself, that the question would receive as much attention as could be given to it.

At the meeting of the Council held in November, 1883, a resolution having been passed, on the motion of Mr. Howard Vincent, seconded by Colonel Ratcliff, in favour of a representation being made to Her Majesty's Government to bring forward some legislative measures to limit the facilities which at present exist for the disposal of stolen goods, a memorial to this effect was prepared and adopted by the Standing Committee of the Repression of Crime Section, and presented to the Secretary of State for the Home Department.

The Standing Committee of the Education Department have considered a resolution in favour of aid being extended towards the fitting-up of workshops in connection with elementary day-schools and evening classes, which had been passed at the Huddersfield Congress, and the Council subsequently presented a memorial to the Committee of Council on Education, recommending:—

1. That the use of tools for working in wood and iron be included in schedule IV of the Education Code as a specific subject for which a grant can be made. [In making this recommendation the Council did not desire to advocate the premature teaching of any special trade or handicraft, but the training of the mental and manual faculties.] 2. That the extension of evening schools, not only for backward scholars, but specially for those who desire to continue their school work, should be advocated. 3. That aid should be extended to fitting up workshops in connection with elementary or 'continuing' schools in which such instruction is to be given.

Papers on the question 'Is it desirable to take any, and what, further measures to prevent the spread of zymotic

diseases through the milk supply of our towns?' were read at the Huddersfield meeting by Dr. Thomas Britton, Mr. Ernest Hart, and Mr. Francis Vacher. The question was shown to be one of serious concern, and at the close of an animated discussion, following the reading of the papers, which afford a valuable contribution to the literature of the subject, a resolution was unanimously passed, in accordance with which a petition to the House of Commons, and memorials to the Privy Council and Local Government Board, were presented, praying for the adoption of further measures for the prevention of epidemics of diseases arising from drinking infected milk. The Council urgently recommended the re-introduction of the Bill, brought forward in the previous session of Parliament, which transferred the duty of registration and inspection of dairies and milk-shops from the veterinary authorities to the local sanitary authorities.

The Standing Committee on Health carefully considered the provisions of the Dwelling Houses Inspection Bill, introduced into the House of Commons in February, 1884, by Mr. Monckton, M.P., and they regretted to find that its clauses were, in their judgment, of such a character that they were unable to give the measure their support. The Bill did not, however, reach a second reading.

The Health Committee are now engaged in organising a representative deputation to the Local Government Board for the purpose of urging further legislation to prevent the continued pollution of our streams, the effect of which was stigmatised, in the preamble to the Bill passed by the House of Lords in 1873, as a 'national evil.' The existing Act of 1876 is, from the optional character of its provisions, almost inoperative.

The Standing Committee of the Economy and Trade Department considered the Merchant Shipping Bill shortly after its introduction; but the character of the issues

which subsequently seemed to gather round the measure pointed to the desirableness of postponing the resumption of the inquiry to a more convenient opportunity. In connection with this subject the Committee received from Commander Dawson, R.N., a memorandum on loss of life at sea, urging the necessity for legal inquiry into all deaths at sea, and suggesting that in any fresh legislation a clause should be framed to provide for such an inquiry. Commander Dawson also handed in a memorandum on the working of the clause—introduced by Mr. Hastings, M.P., in 1880, at the instance of the Association—in the Merchant Seamen (Payment of Wages) Act, whereby a system of allotment notes was created, entitling the seaman to have his wages paid into a savings bank, or to his wife, or to any other person appointed by him, in accordance with a practice which has for some time prevailed with marked advantages in the Royal Navy. The Committee subsequently gathered from a statement made by Mr. Chamberlain, M.P., in the House of Commons, that, in almost every case of a vessel proceeding on a foreign voyage, allotment notes had been granted to some members of the crew, although the instances of seamen availing themselves of the power to allot a portion of their wages to savings banks had been very few.

In response to an invitation from the Executive Council of the International Health Exhibition, 1884, a Conference promoted by our Association was held at the Exhibition on June 26 and 27. The proceedings, which took place under the presidency of Sir Richard Temple, Bart., were opened with an address by Mr. Francis S. Powell on the 'Progress of Sanitary Legislation in Great Britain.' Papers on the 'Conditions essential for a Healthy Dwelling,' the 'Employment of Girls and Women in Workshops and Factories,' the 'Notification of Infectious Diseases,' and the 'Duties of Medical Officers of Health,' were read by Mr. H. H.

Collins, Dr. Bridges, Mr. Hastings, M.P., and Mr. A. H. Brown, M.P., respectively, interesting discussions taking place on each subject.

It may here be interesting to note that the Library of Sanitary and Educational works, organised by a special Sub-Committee of the Executive Council of the Exhibition, was opened to the public on June 16 last. The original intention was to refer to this department the exhibits comprised within the 'Literature' class under each group of the two divisions into which the Exhibition had been divided. But besides dealing with these exhibits in this way, the Library Sub-Committee brought together a large collection of official reports, central and local, bearing on the administration of sanitary laws at home and abroad. In their endeavours to render this part of their work as complete as possible, they were much indebted to Her Majesty's Government for valuable assistance rendered by the Secretary of State for Foreign Affairs, who, at the request of the Duke of Buckingham and Chandos, the Chairman of the Executive Council, caused to be issued to British diplomatic representatives abroad circulars inviting them to obtain lists, accompanied by specimens, of reports and works bearing on the administration of the sanitary and education departments of the countries to which they were accredited. The Library Sub-Committee were also in correspondence with the mayors of boroughs and chairmen of local boards, with a view to obtain copies of local sanitary acts and reports, of which a large number were received. The Committee entered furthermore into correspondence with the authorities of all the principal health resorts at home and abroad, in order to obtain a collection of guide books and medical and popular treatises referring to the climatic and other advantages of these places, and, as a result, an interesting feature of the library was the varied collection of books and photographs received from a large number of these resorts. Authors and

publishers throughout Europe also were invited to send contributions. The number of books received was about 5,000, and these were catalogued and arranged in a suitable room in the Albert Hall which had been artistically furnished and decorated by Messrs. Liberty & Co. The Library has now been presented by the Executive Council of the Exhibition to the Parkes Museum of Hygiene and to the City and Guilds of London Technical Institute.

A statement of accounts for the financial year ending June, 1884, is annexed.

The Council have to record the death, since the last volume of the 'Transactions' was issued, of the following members of the Association:—Lord O'Hagan, K.P., The Right Hon. Sir Lawrence Peel, D.C.L., Sir Willoughby Jones, Bart., Sir Robert R. Torrens, G.C.M.G., W. J. C. Allen, William Brown, H. R. Droop, E. C. Dunn, William Garlick, S. Leigh Gregson, A. J. Larking, J. B. Leishman, Joseph Milligan, William Overend, Q.C., the Rev. Mark Pattison, B.D., Lieut.-General Robertson, C.B., James White, and W. R. Wood. Lord O'Hagan was an old member of the Association. He presided over our Jurisprudence Department at the Belfast Meeting in 1867, and conferred distinction on the Dublin Congress in 1881 by occupying the position of President of the Association. In Sir Robert Torrens the Association has lost another old and valued member. For many years he had taken an active part in the endeavour to extend to this country the system initiated by himself in South Australia for the transfer of land by record of rights and interests therein, and a few weeks before his death he attended and spoke at the deputation to the Attorney-General, which the Council had organised in May last. The Rev. Mark Pattison, B.D., the Rector of Lincoln College, Oxford, served for a long time on the Education Committee of the Association, and at the Liverpool Meeting in 1876 he presided over the Department.

The next Annual Congress of the Association will be held at Bath.

The present volume has been edited, as usual, by a committee consisting of Mr. Hastings, M.P., the Hon. Secretaries of Departments, and the Secretary.

J. L. CLIFFORD-SMITH,
Secretary.

February 23, 1885.

Opening Address

BY

THE RIGHT HON. G. SHAW-LEFEVRE, M.P.

PRESIDENT OF THE ASSOCIATION.

IT is twenty-seven years since this Association held its first meeting in this great centre of industry, under the presidency of its illustrious founder, Lord Brougham, and once again only in the interval has it met here, in 1868, immediately after the passing of the Reform Act which gave so great an impulse to social legislation. In his address on the first of those occasions, Lord Brougham stated the objects of the Society to be the scientific study of the laws which govern men's habits as members of a community, and of the principles of human nature upon which the structure of society and its movements depend. A science may be defined as the statement of the relation of phenomena to one another. No one, I think, can doubt that the phenomena of social life are dependent on one another, and stand in the relation of causes and effects, and that it would be possible for us, if endowed with infinite powers of research, to determine exactly their relations. It is, however, the most difficult of all sciences, for the phenomena are so numerous and complex, each of them producing an effect on most, if not all the others, that it is not possible by observation or induction to distinguish their exact relations. What we endeavour to do in social investigations is to separate certain classes of facts, which appear to have a close connection, from others more remote, and, explaining them by what we know of the principles of human nature, to determine approximately their connection as causes and effects. Among the methods at our disposal are comparisons of the conditions of people

at different times and different places, and the deduction from their agreement, or difference, of the causes which account for them. Again, what experiment is to physical research an act of legislation is to social inquiry, for we are able to compare the state of things before and after the change; and we conclude that the difference is due to the legislation. The conclusion, however, is only justified to the extent that all other conditions remain the same. In physics, the experimenter is able in many cases to make certain that all the surrounding conditions are unaltered, and he is justified in concluding that the change he observes is due to the one disturbing cause which he has introduced. But in social experiments we cannot make certain that other conditions are the same; on the contrary, we know that they are constantly changing, and that other causes are at work which may have their share in producing the results we observe. Our conclusions, therefore, are approximate only, and must be subject to many reservations as to the effect of other concurring causes. Even, however, with this reservation, we have every reason to believe that we can, in many cases, connect causes with their effects, and determine the result of the experiments which we make in legislation. In this sense the science is as important as, if not more so than, any other, for on its conclusions depend the welfare and happiness of vast numbers of people as affected by their laws and institutions.

It has been usual for your President to comment, in the spirit I have referred to, on the principal legislation of the past year in furtherance of those social objects which are the proper subject of the Society. In the present year a retrospect of the past session discovers nothing but a blank. Owing to circumstances I need not advert to, the progress of many most important measures was suddenly cut short, and Parliament was prorogued, to meet again early in the autumn. In the absence, then, of any such topic, it may be well, especially here, in the birthplace of the Association, if I ask you to look back at what has been achieved during its existence, and chiefly during the period of great activity since our last meeting here, and to endeavour to trace its general effect on the relations of the State to individuals, and on the functions of the Government.

In any such retrospect it will at once appear that there have been two very distinct impulses to legislation: the one in the direction of limiting the powers and duties of the Government, of freeing the action of individuals from the

influence and control of the State, and of sweeping away what remains in our social system and laws of obsolete survivals of organisation formerly thought useful and necessary; the other in the opposite direction of increasing the intervention of the State in our social arrangements, of multiplying the functions of the Government and adding greatly to the number of cases where the law prescribes the conduct of individuals or restrains their actions.

Of the first of these conflicting tendencies of legislation, many examples will at once occur to you. Parliament has made a considerable advance towards withdrawing the influence of the State from the propagation and support of one class of religious views. In one part of the United Kingdom, where the tenets of the State Church were held by a small minority of the people, it has severed altogether the connection between the Church and State, and has disendowed the former, though in such a manner as to enable the Church, as a private society, to start in its new career with a moderate endowment. In England and Wales it has abolished the legal claim of the Church to the maintenance by ratepayers of the fabrics of its places of worship; it has conceded to Nonconformists equal rights in regard of the national churchyards. It has abolished religious tests for degrees in the Universities and for fellowships in their colleges. By another class of measures privilege has been defeated in some of its strongholds; we have abolished the system of purchase and sale of commissions in the army, and the system of patronage in the public service. We have, by other acts, freed many persons from serious legal disabilities under which they were placed by law. Married women, for instance, have had conceded to them full right over their separate property, and the power of contracting, suing, and being sued, and it is no longer lawful for a husband to rob his wife at or after marriage. Working men have been relieved from penal laws which prevented their effective combination for trade purposes; from penal laws which enforced their contracts for service; and from restrictions which deprived them of a remedy against their employers for accidents, the result of negligence in the conduct of their works. We have also repealed the tax on newspapers, and have therefore rendered possible a press which reaches the multitude, and is the greatest of all agents in the education of the people.

All these important changes were in the direction of undoing the work of our predecessors. They were not

effected without prolonged discussion and great opposition from interests concerned in the maintenance of things as they were. In the earlier volumes of your Society you will find that, with few exceptions, these reforms were discussed, and agreed upon by reasonable men of all parties, many years before they were passed by Parliament. Indeed, it may be said that a generation has frequently passed away between the time when the necessity for a change was practically admitted by most thinking men, and that when it was possible to get the full sanction of Parliament to it. For instance, a Committee of this Society, formed of men of all parties, framed a Bill in 1857 on the subject of Married Women's Property, almost identical with that which became law twenty-five years after. Another Committee unanimously reported in favour of relieving Trades Unions from unwise and unjust penal laws sixteen years before Parliament fully carried out this policy. The principle of the Employers' Liability Act was practically agreed to without dissent by this Association many years before it became law. Many other conclusions of this Society, especially those having relation to the amendment of our land laws and those for the reform of charities, have been even a longer period in abeyance. Looking back, one cannot but regret the loss of so much valuable time in the life of a nation. Of the measures I have referred to it may be confidently stated that, whatever test we apply to them, the changes involved have completely fulfilled the expectations of those who advocated them, and not any of the gloomy predictions of evil consequences have been realised.

On the other hand, it will be admitted that Parliament has been even more busy in building up and constructing, and in adding to the functions of the Government, and to the sphere of the law. This has especially been the case since the extension of the suffrage, in 1867, added to the popular strength of the House of Commons. It was expected by many that Democracy would be jealous of the Executive, and would curtail its functions; that it would be more apt to destroy institutions than to create them. The reverse has been the case. Democracy has not been afraid of exalting the authority of the State. So far from being afraid of officialism, it has trusted and extended it. It has already taught most of the great interests of the country that they are subordinate to the public good. Landowners, railway companies, owners of public-houses, mine-owners, shipowners, factory-owners, and other interests

have been successively dealt with and made to understand that the State is supreme. The functions of the Government have been largely added to. Its agents for carrying out these functions have been multiplied. Many scores of penal offences have been invented. A system of inspectorate reporting to the Ministers of State has been greatly developed, if not created. The domain of private contract has been curtailed. Concurrent with these changes, public opinion, operating through the House of Commons, calls the Ministers to account, and holds them responsible for every act of administration and for the smallest events which occur, to a degree continually increasing.

This movement for extending the action of the State has not been due only to Democracy. It has been demanded almost equally by all classes, but the greater force of the popular will in Parliament has deprived the opposing interest of their power of resistance. The movement has also received much of its impulse from philanthropists, philosophers, and political economists. Among the greater number of writers and thinkers there has been a distinct reaction from the views of Adam Smith and of his successors, Ricardo, McCulloch, T. B. Say, Bastiat, and others of the earlier school, who, with the evidence before them of the egregious failure of the State in its attempts to regulate trade, were in favour of restricting its functions within the narrowest possible limits. The more recent school of political economists in this country, and still more on the Continent, have largely departed from these views, and have held that, while free exchange, free labour, and free contract are important principles to maintain, yet that the State is bound to interfere when individual interests result in the degradation and oppression of the lower classes, and that it is justified in undertaking those works and functions which can be better attained by it than by individual effort. Almost alone, my friend, Mr. Herbert Spencer, has been left among philosophers to preach the doctrine of *laissez faire*, to raise the banner of individualism against State action, and to denounce what has been done during the last few years as radically wrong in principle and leading to Socialism or to the ultimate slavery of the masses.

I will endeavour briefly to classify, under the different methods of State intervention, the work which has been done by Parliament during the period I refer to. Under the first head we may group those cases where the State has undertaken, or has enabled local authorities on its behalf to

undertake, some function, duty, or business, either to the exclusion of private agencies or in competition with them. First, and most important among these, is that relating to education. The establishment of Elementary Schools to make up for the great and growing deficiency of schools supported by voluntary contributions, and the compulsion on all parents to send their children to school within certain ages, is the most distinct advance that has been made in this direction. Few authorities, even of the strictest school of economists, have raised any objection in principle to it. I shall not waste your time in defending it. No greater educational effort has ever, within so short a period, been made by a State. No agencies which could contribute to the cause have been neglected. Local rates, local contributions, the fees of parents, State grants, have all been brought in aid of it, and as a result, in England and Wales only, over 16,000,000*l.* have been spent on new schools, accommodation has been found for 2½ millions of children in excess of what existed twelve years ago, and the school teachers have been increased from 12,000 to more than 37,000. It is absolutely certain that without State aid, and without the contributions from local rates, this could not have been achieved. No voluntary efforts could have made up the leeway, or have supplied the grave deficiency which existed. We may recollect, also, that no part of the educational system of this country has ever been carried on by the unaided action of parents. The pressure for ordinary subsistence on large numbers of the labouring people is so great, that they would postpone consideration for the future of their children in the direction of education, unless aid, along with compulsion, were supplied. What education of the children of the labouring classes existed before 1870 was largely dependent on the voluntary subscriptions of their wealthier neighbours. The middle classes were also to a great extent dependent for their education upon the endowments for this purpose in past generations. The education of the upper classes has also been greatly influenced and promoted by the magnificent foundations of the Universities, and the bribes which they hold out for learning.

By supplementing the schools supported by voluntary contributions by schools dependent on the rates, and by giving to all equally the assistance of the State, Parliament has done no more than enforce as a duty on all ratepayers and all taxpayers that which was recognised already as a duty by

the more public-spirited. By compelling a thorough reform of the endowed schools and of the Universities, it has but made the best of agencies already existing, and which, as far as they affect the position of the classes for whom they are intended, differ not in principle from State-supported establishments. It will be observed that in those parts of the country, such as Ireland and Wales, where endowments do not exist in any sufficient number for middle-class schools, their place has been supplied by grants of public money, and in Ireland the same course has been adopted as regards University education. Practically, therefore, the whole system of education for all classes has come within the purview of the State, though some parts of it have been left under the control of reformed corporations and endowed bodies, independent of the authority of the Government. It is equally certain that we have not yet reached the limits of State action in this respect. A recent Royal Commission on technical education has made many recommendations in this direction, involving increased action on the part of the State and of local authorities; while a Committee of the House of Commons has advised that all middle-class schools which have been reformed should be subject to inspection of the State.

Another conspicuous illustration under the head of the growing tendency to extend the functions of the State is the Post Office, which, within the period I refer to, has taken exclusive possession of the telegraph service, has undertaken to deliver parcels wherever it delivers letters, has become banker for the million for the saving and transmission of small sums, and is prepared to insure and to grant deferred annuities for small amounts.

It is obvious that the existing agencies of the Post Office throughout the country made it very easy for it to undertake all this work, and to give extraordinary facilities to its customers. For the savings of the poor and the transmission of small sums it has no competitor, and it is the most powerful engine for promoting thrift among the working classes. With respect to the telegraph service it may, indeed, be a moot question whether, looking to the extravagant compensation paid to Telegraph Companies, and to the consequent necessity for maintaining high rates of charge, looking also to the necessary hesitation in permitting the competition of the telephone, the public have gained much by the assumption of this work, and whether, by this time, the telegraph companies, if left to themselves and supple-

mented by the telephone, would not have given to the centres of population a more complete service with greater improvements. On the other hand, we have gained in uniformity and universality of the service. In the case of parcels, my right honourable friend, Mr. Fawcett, has very wisely not claimed a monopoly of the service. He has entered into competition with private agencies, restricted by the terms which he has made with the railway companies, and the result has been enormously to stimulate the exertions of these bodies to deliver with greater convenience and at a lower rate than the Post Office. The work done by the Post Office is, therefore, a supplement to that of private agencies, and covers ground which they are unable to do, but which the Post Office through its agents is able to supply. I believe Mr. Fawcett has reason to be satisfied with the result of his experiment, for the public has gained in every direction, and the Post Office supplies the wants of the most distant places, and rural districts which were previously wholly neglected.

It may be well to notice the enormous increase of staff of the Post Office rendered necessary by all these extensions. The staff under the Postmaster General now amounts to an army. It has increased from 25,000, twenty-five years ago, to 46,000, and at the Central Post Office in the Metropolis from 1,800 to 8,100.

Local authorities have felt the same impulse to undertake functions which were formerly left to private agencies. Many Corporations now supply water and gas to their ratepayers, and make a considerable profit by it. It should be noticed that in these matters there can be no competition among private agencies; the public interest will not permit of several companies breaking up the streets in competition with one another. The alternative is for the local authority to give to some single agency in the district a concession, or a regulated monopoly, with a restricted dividend and maximum price. Under such concessions, experience shows that there is no great inducement to adopt improvements or to cheapen the price to the public, and that local authorities can do the work as well, and can secure to the ratepayers the profit of the supply.

The second class under which we may group recent legislative Acts involving extension of the functions of the State are those imposing regulations for the conduct of particular industries or employments, and for limiting the hours of employment of particular classes, in the interest of the

safety or health or morals of those employed, or of the public.

The Factory Acts date from an even earlier period than I refer to, but they have been greatly extended by recent Acts. As this legislation was the precedent for much more that I shall have to refer to, it may be worth while to recall to you the causes for it. It had its origin in the great concentration of labour on our textile manufactures in factories, at the commencement of this century. Unrestricted competition then led to the discovery that prices might be cheapened by the employment of women and children on a large scale, and the production was then increased by the protraction of hours of work, without regard to the physical capacity of the workers. Parents who objected to this could only do so by withdrawing their children altogether from work. The necessities of life prevented them doing this. It was soon found that evils of the most stupendous kind were resulting. The factory population was growing up under conditions fatal to health, to their education, to their civilisation. Legislation was very slowly and cautiously adopted. With small beginnings in 1803 and 1825, it was not till 1833 that any remedy on a large scale was applied. The principle of restricting the hours of labour of women and children, with State inspection to secure that the law was observed, was then adopted. It was greatly extended in 1867 and again in 1874, and is now embodied in the elaborate code of 1878. This legislation now aims not merely at limiting the hours of work for the young and the weak, but at the prevention of accidents by requiring the fencing of machinery, the education of the young persons employed, the prohibition of overcrowding, and the requirement of ventilation and cleanliness. It has been extended to all factories and workshops where children are employed. The restriction of hours of work has also been applied to the case of children working at home with their parents. In 1833 the number of factories subject to inspection was 3,094; they now number, including workshops, 132,000. Experience of legislation thus tentatively adopted has proved abundantly its success and its justification. I take it that no problem in social science is more certainly proved than that unrestricted competition in the employment of the young leads to evils of the greatest magnitude, and that it is necessary for the law to impose limitation, as a check on the one hand, on the competitive race for profits of the masters, and on the other hand on the greed and ignorance of parents. It has not been

thought necessary to apply these laws to grown-up men. They can protect themselves by combination. In some trades, however, of a specially dangerous character—such as manufactures of explosive substances, of dynamite, of white-lead, of chemicals—minute and elaborate rules have been laid down by recent Acts for their guidance, and are enforced by inspection, in the interest of the workmen or of the public.

Again, the licensing and strict regulation of public-houses for the sale of liquor is no new principle in our legislation, but it has been carried much further and in greater detail by the Act of 1872, with the object of reducing the temptation of the public to make use of them, by limiting competition and by restricting the hours for keeping them open. In doing this, the monopoly has certainly been strengthened, and this is not without its disadvantages. Experience, however, had distinctly proved that the free licensing of beerhouses had led to a great increase of drunkenness. Here, again, it is to be observed that unrestricted competition leads to great evils. The closing of such houses at reasonable hours is in the interest of the better men in the trade, for otherwise they are compelled by the practice of others to keep their houses open longer than they desire, in order to retain their customers. In the same way unrestricted competition leads in some trades to the lowering of the standard of quality by adulteration, which, unless checked by law, would become a serious evil.

Then, again, there are two great employments which have, within the same period, been brought still more completely under the regulation and control of law—the mining industry and the shipping trade. In the case of mines it has been felt that the employment is essentially a dangerous one, one also in which the employed can have little knowledge of the mode in which the mine is being worked, and where also public opinion, which in most trades can always be brought to bear upon the managers, is powerless for want of knowledge of what is going on.

Certain general but simple regulations have been laid down by Parliament, chiefly by the Act of 1872; provision has been made that the managers of mines shall be subject to examination as to their competency; the employment of women and children underground is prohibited; and inspectors have been appointed to see that the regulations are carried out. It has been disclaimed by successive Secretaries

of State that these inspectors are to be responsible for the conduct of the mines, or are to exercise such a supervision of their working as to relieve owners or managers of them from any responsibility. The number of inspectors is wholly insufficient for this purpose. When accidents occur it is their duty to hold inquiry, and to determine and report on the cause of them. They receive complaints from the workmen, and they report and prosecute any infractions of the regulations imposed by Parliament. Under this system it is incontestable that accidents and loss of life have been very sensibly reduced. Comparing the last three years with three years, 1851–3 and 1869–71, it appears that in the first of these periods there was one death from accident to every 221 persons employed in coal mines; in the second, one to every 336, and in the last three years only one to every 484. Since 1851 the number of persons employed has increased from 216,000 to 515,000, and if the same average of deaths from accidents had been maintained during the last three years, 6,960 persons would have been killed in place of 1,454, and this in spite of the fact that the average depth at which the mines are worked is considerably increased, and with it the danger to life. Although the cost of working the mines has been somewhat increased by the Act of 1872, yet, as a whole, the industry has increased more rapidly than any other in the country.

In the case of shipping the intervention of the State has been introduced for analogous reasons. Seamen, as a rule, are reckless of their lives, and seldom make inquiries as to the safety of the ships for which they engage. Passengers and emigrants are wholly ignorant of the ships they embark on. Shipowners secure from loss of property by insurance, and not unfrequently making a profit by the loss of their vessels, are in many cases reckless of their property and of the lives of those entrusted to them. Competition may induce them to run great risks, not for themselves but for their seamen and passengers. Parliament, therefore, has been compelled by public opinion to legislate in the interest of safety of life and property. It has made a very great number of regulations affecting ships and seamen. It has declared it to be a crime to send a vessel to sea in an unseaworthy state. It has entrusted the Board of Trade with power to detain and condemn unseaworthy ships. It has made seaworthiness an absolute condition of the contract for the hire of seamen, justifying, therefore, the men in leaving the vessel if it should be unseaworthy. It has compelled the

shipowner to mark his vessel with a line indicating the depth to which he considers his vessel may be safely loaded. It has made special regulations with reference to carrying cargoes of grain and timber. It has made many provisions with respect to the hiring and treatment of the seamen. Under recent Acts a very great increase has been made to the Inspectors of the Board of Trade. They are to be found in every port; they keep their eyes and ears open, and they detain vessels which are clearly unseaworthy or overladen, and under these powers many hundreds of vessels have been detained and condemned. Yet notwithstanding this, and in spite of a vast increase of staff involving an annual charge of 73,000*l.*, it is to be feared that no effect has been produced on the loss of ships and the loss of life at sea. The figures produced by Mr. Chamberlain, in his powerful speech on the Merchant Shipping Bill last session, are most remarkable. They show that there is reason to believe, not only that no diminution has taken place in the loss of life of seamen, but that there is a positive increase. He showed that in 12 years 36,000 seamen were lost, that in each year on the average one seaman out of 72 is drowned, and that, taking the average service of a seaman at 24 years, one out of every three must expect to meet his end in that way. Equally certain is it that a very large number of the losses of vessels which occur are preventible, and ought to be prevented; that they are due to recklessness and to negligence of every kind, to vessels being overloaded and undermanned, badly found and recklessly sailed.

The question then arises whether we have not already proceeded too far in the direction of regulations and inspection, and whether we have not reduced the feeling of responsibility of shipowners by those which we have imposed; and whether the better course would not rather be to increase their responsibilities and to throw even more upon them the onus of sending their vessels to sea in a seaworthy state. It is in this view that the proposals of the Government to prevent over-insurance and to extend the provisions of the Employers' Liability Act (from which shipowners are exempt) were framed. No more important subject could occupy the attention of a Society such as this, or be more fit for Parliamentary action. It is certain that every Minister who has presided at the Board of Trade, no matter of what party, has arrived at the same conclusion, that there is danger in increasing the system of Government inspection

and regulation, just in proportion as we reduce thereby the sense of responsibility of the shipowners; and that, on the other hand, there is great danger in the present state of the law as to marine assurance, which enables a shipowner to make a profit out of the loss of his ships and the men embarked on them, and which therefore reduces the motives for care on the part of the owner.

I need not remind you that successive Committees and Royal Commissions have advised as to the danger of the present law of insurance and its malign effect on the loss of life at sea, and that in 1876 Sir Stafford Northcote brought in a Bill to impose a limit upon it. The forces of resistance, however, to such a measure are very great, and it cannot be carried without a strong public opinion. As it is fifty years since a Committee of the House of Commons reported on the evils of over-insurance, and twelve years since a Royal Commission unanimously advised a change of the law, it is to be hoped that the period of gestation of Parliament is nearly over.

In the case of railways, again, Parliament has resisted every attempt to make the Government responsible for their working or management. A railway cannot be opened until it is reported by a Board of Trade inspector to be properly constructed; but, once open, the Government ceases to be responsible, and the duties of the inspector are confined to reporting upon accidents which occur, and tracing them to their true cause. Public opinion can then be brought to bear upon the company concerned. Recent legislation, however, has to some extent brought the railways under the control of the law. The Railway Commission is empowered to compel a railway company to alter their fares, and to provide greater facilities for their passengers, where it is clearly proved to them that the company is treating particular districts unfairly, or is neglecting its duty. In the case of insurance companies and friendly societies, the Legislature has also interfered by recent Acts to compel publicity of accounts, and to give greater facilities to persons entrusted to compel the winding-up and distribution of the assets of insolvent companies; but it has refrained from giving to them a Government stamp of solvency or in any way guaranteeing their contracts.

Looking, then, broadly at this class of legislation, it is certain that Parliament, while interfering, in the interest of children, for the safety of life, and for the purpose of preventing fraud, and not afraid of enforcing regulations, the

value of which has been clearly proved by experience, has been fully alive to the danger of relieving owners and managers from responsibility for the safe and proper working of their business. In the one case, where it has most nearly approached this—namely, in shipping—the legislation has not had the result expected of it. Inspection, in other cases, is mainly confined to the investigation of the causes of accidents, and to enforcing statutory regulations, where the breach of them is brought to their notice. It may be doubted whether all the inspections and regulations hitherto adopted by Parliament for the safety of life have had so beneficial an effect as that resulting from the Employers' Liability Act of 1881. This Act, by making employers of labour liable for the negligence of their agents to their servants, has increased their responsibility, and strengthened their motives for doing everything in their power for the safety of their men. It was vehemently resisted on the ground that it would lead to great litigation and involve employers in endless claims and perhaps in ruin. Nothing of the kind has occurred. It has worked smoothly and well, and with very little litigation; indirectly it has had most beneficial effects. Let me remind you of the letter from Mr. Harford, the General Secretary of the Amalgamated Society of Railway Servants, to Mr. Chamberlain. He says: 'As a means of litigation the railway servants attach very little value to the Employers' Liability Act. Indeed, we endeavour as much as possible to avoid having recourse to it. It is as a preventive of accidents that it has proved to be the greater service to us, for it has stimulated to action the companies to surround many of the commonest acts of the workmen with precautions for their safety that a few years ago would never have been thought of.' After describing many precautions thus taken, he says: 'In many other ways has more protection from accident been afforded, and a more genuine regard for the safety of workmen in these respects been engendered.' The reports of the Factory Inspectors also contain frequent reference to this important effect of the Act, in inducing employers to take greater precautions for safety of their workmen.

A third direction in which the functions of the State, or of its agents, the local authorities, have been largely increased, is that having reference to sanitary matters. I presume that the most ardent adherents to the principles of *laissez faire* will admit that it is a proper function for the State or the Municipality to prevent individuals neglecting

or misusing their property so that it becomes a nuisance to their neighbours and the centre for spreading disease. Local authorities have been required to appoint sanitary officers, who are invested with large powers for inquiring into nuisances and for compelling the owners of houses to put their premises into a proper condition. They are also empowered to intervene in the case of contagious diseases. The same principle has been extended to the case of cattle. With a view to prevent the spread of disease among cattle, which in the past has so often decimated our herds, the outbreak of disease justifies the most stringent measures on the part of the Agricultural Department of the Privy Council; and on information that disease is prevalent in any country from which cattle are imported, the Department is also fully empowered to stop further importations of live cattle from it. Of the principle involved, no one, I think, can doubt the expediency and the justification.

In the case of house property the principle has further been introduced that owners of houses are not justified in allowing them to be in such an insanitary state as to be unhealthy for their occupants; and the local authority is empowered to compel the owners to put them into a proper state, or even to pull them down. Arising out of the same principle has been the action of the Legislature in respect of those slums in our great cities, which are a legacy to us from times when owners of property were unrestrained as regards the laying-out of house property, and were permitted to erect courts and alleys with a total disregard of the very first elements of health to their occupants. The Artisans' Dwellings Acts of 1875 and 1882, enable local authorities, where it is reported to them that areas are so built on as to be permanently unhealthy, and to be incapable of being dealt with by the ordinary process of the Sanitary Acts, to take the property by compulsion, with a view of clearing the sites, subject to certain obligations as to rebuilding in a manner suitable for a proportion of the population displaced by the operation. What has been already done in this direction has been of great benefit, as Birmingham can well testify. In its practical working I need not point out that serious difficulties have been experienced, owing to the great cost entailed by such operations; and it is greatly to be hoped that the Royal Commission now sitting will devise means for reducing this, and for enabling such improvements to be effected without over-burthening the ratepayers. It is in the consideration of this question that many most

important points arise as to the rights, duties, and obligations of the owners of such property, and as to how far they are entitled to compensation at the cost of the public for property which they have allowed to fall into a condition when it is unfit for occupation, dangerous to health, and a nuisance to its neighbours. It is a long stretch of the rights of property that such persons are to be fully compensated.

I may here observe that in its campaign against disease Parliament has in one notable case gone further than the moral sense of the country has justified. Public opinion has compelled the Government to withdraw from the enforcement of Acts which, while they had for their object the health of our soldiers and sailors, involved a sanction to immorality, and threatened to introduce into this country that system of State inspection and registration of women of bad character which amounts to a legal recognition of their trade, and which in other countries has led to great abuse and to a general deterioration of morals.

The next class of State interventions which I have to notice are those where the State, through the law, imposes its will on contracts between individuals in the interest of one or other of them, or in the interest of the public, either by declining to enforce particular contracts or by prescribing what form they shall take—in other words, as it is commonly said, interfering with the freedom of contract. From the comments made in many quarters on legislation in this direction of late years, it would seem to be commonly believed that interference with contracts is a modern invention, and that Parliament has lately inaugurated a new policy. This, however, is very far from being the case. The Legislature, and still more so the courts of law, assuming the functions of law-makers in this respect, have from the earliest times interfered with contracts in a multitude of cases; and the courts of law even in late years have frequently extended their jurisdiction. They have done so for a variety of reasons, in the cause of morality, for the support of law, for the benefit of the public, for the protection of particular classes of the community, for the general convenience of trade. Many people speak of freedom of contract as if it were synonymous with freedom of action, and as though in declining to enforce a contract the State were interfering with the freedom of action of the parties to it. In fact, however, as has been well shown by Sir Thomas Farrer, freedom of contract and freedom of action are very

different things. A person who enters into a contract, recognised and enforced by the law, submits to an obligation, and parts for the time being with his freedom of action, and the State, in enforcing the contract with all its machinery and force, interferes in the most effective manner in limitation of the freedom of action of the party, against whom its aid is invoked. Without the sanction of the State and the power of appealing to its intervention, the contract would be binding only in honour, and the parties to it would retain their freedom of action. If, therefore, on the grounds of public policy, or for the protection of the weak against the strong, the State declines to enforce a particular contract, it does not interfere with freedom of action, but the reverse.

As a general rule, it is expedient that the State should recognise the right of individuals to submit to obligations by making contracts, and should lend its machinery to enforce them; but there is nothing contrary to precedent or principle if, for reasons I refer to, it declines to do so in certain cases. In point of fact, the exceptions are very numerous and embrace a very great number of transactions. Many contracts are declared to be contrary to public policy, and are consequently not enforced by the law, such as gambling contracts, wager policies, contracts to pay money on demand in competition with State notes, contracts in restraint of trade, in restraint of marriage, contracts for immoral purposes, or in contravention of the ordinary law. Another large branch of contracts are not enforced by the State because they are entered into by persons whose relations to one another are such as to raise a presumption that an unfair advantage may be taken by one of them, such as contracts between parent and child, between guardian and ward, between a spiritual adviser and the advised, between doctor and patient, between client and counsel. The law does not permit railway companies to contract themselves out of liability to the relatives of persons killed by the negligence of their servants. It forbids seamen to insure their wages. Under the joint operation of law and custom the contract for insurance of property on land is a contract of indemnity only, and the insured cannot recover more than the actual value of the property destroyed by fire. In other cases the law has prescribed that contracts shall be in particular form. Under the Truck Acts it has forbidden contracts for payment of wages in kind. It has declined to enforce certain contracts not committed to writing. Charges of solicitors to clients are prescribed by law and are taxed

by the courts of law; and it is only lately that a solicitor and his client have been permitted to make a special bargain, which is still liable to be set aside on the ground that it is unfair to the latter. Other contracts are prescribed as matters of general convenience, *e.g.* municipalities are enabled to regulate the charges of cab hire, in order to avoid the inconvenience of uncertain charges and extortionate bargains, and for London these charges are defined by a special Act. Again, custom, often as rigid as law, and generally recognised by the law, prescribes the conditions of many mercantile contracts; and documents arising out of mercantile contracts, such as bills of exchange and cheques, are, for the general convenience of trade, subject to many statutory provisions. Under another head of contracts, where one of the contracting parties is in the position of a monopolist, to whom the State has made concessions, such as railway companies, water and gas companies, their charges or contracts are limited by a maximum imposed by the State in the interest of the public; and in the case of a railway any contract of a special character is subject to an appeal to the courts of law as to its fairness, on the ground that the company, being in the position of a monopolist, is able to impose its terms on its customers.

The additions made to these cases, during the last few years, have not been numerous in proportion to those previously recognised. Among them was the Hares and Rabbits Act, passed in the interest of good cultivation, by which any contract between landlord and tenant, restraining the tenant from the destruction of these four-footed depredators, is deprived of recognition by the law; and tenant-farmers are no longer in the position of being unable to take a farm without subjecting their property to being eaten up by wild animals over which they have no control. There was also the Agricultural Holdings Act, where, again, in the interest of good cultivation, contracts which do not provide reasonable compensation to the tenant, on quitting his farm, for those improvements, without which he cannot be expected to cultivate, are no longer recognised by law. A great number of local customs of a most insufficient character are nullified. The Act lays down a simple rule for compensation, but it leaves it open to landlord and tenant to adopt any other scale of compensation, provided it is fair and reasonable. So, again, in the case of advance notes, by which seamen have been accustomed to mortgage their wages to the crimps on shore by giving notes in advance, payable after the sailing

of their ships, and which have led to great abuses, the Legislature has withdrawn the sanction of law to such contracts, and leaves the notes without validity.

Lastly, there is the case of the Irish Land Act, which enables the courts of law to interfere as to the rent between landlord and tenant, and to decide whether it is fair. Fully to explain and justify this Act would require a longer treatise than I can give. It was admittedly one of very exceptional and almost revolutionary character, but capable, I have always contended, of justification on broad ethical, historic, and economic grounds. It involved not merely an interference with contracts, but a change of tenure of land. Its principles were demanded by the almost unanimous voice of Ireland at the last General Election. At a time of difficulty and great agricultural loss, the social condition of Ireland, wholly dependent on the land, completely broke down, and nothing but a bold measure could restore it, or give hope of stability in the future. The facts brought out by the Land Commissioners prove conclusively the main points on which the Act was founded, viz., that in a very large number of cases the rents previously exacted were exorbitant and amounted to an appropriation of the tenants' interest in their improvements; and, secondly, that the cases of properties being managed on an English principle are very rare. It has also shown that the best-managed properties in Ireland have suffered very little from the operations of the Land Act in the reduction of rent. It is only necessary to add that the attempts to extend the principles of this Act to the case of English tenancies, where none of the conditions which led to the Irish Act exist, were, in the discussions on the Tenants' Compensation Bill for England, all but unanimously rejected by Parliament.

Under the same head should also be classed such measures as those prohibiting the payment of wages in public-houses, or making it illegal to supply spirits to children under a certain age. The principle of freedom of contract has also been invoked on behalf of contracts by which ships are insured for more than their value. For my part, I see no good reason why the State should lend its machinery and its force to enable shipowners to make a profit out of the losses of their ships, and at the risk of the lives of their sailors; so, also, in the case of the Employers' Liability Act, if it should prove to be the fact that large numbers of employers are forcing contracts upon their men to exclude the liability contemplated by that

Act, I should see nothing contrary to principle in refusing to recognise such contracts, unless they contain a fair and reasonable substitute.

Another class of State interventions for effecting changes in the condition of individuals are those where it makes grants of money or lends its credit in the shape of loans at a low rate of interest. It has, for instance, lent money to local authorities to facilitate the carrying out of the Education Act and the Artisans' Dwellings Acts. The cases, however, I more specially refer to are those in respect of Ireland, where Parliament has offered loans at low rates, to occupying tenants, to induce them to purchase their holdings from their landlords; to occupiers and owners of land who effect improvements in their holdings; to landowners as an inducement to build cottages for their labourers; to local authorities to build cottages; and it has sanctioned grants from an Irish fund to local authorities or companies for the purpose of assisting emigration, and to companies who are prepared to experiment in schemes for migration of families from the poorer districts of Ireland to better lands.

The justification for such advances is political rather than economic. The state of Ireland, the absence of capital, the great difference between the rate of interest at which money can be borrowed there, as compared with that at which the Government can afford to lend, are among the considerations which have induced Parliament to make these advances. The first of these objects—the establishment of a peasant proprietary—if effected to any considerable extent, would make a most important change in the state of landownership in Ireland. A committee over which I presided in 1878–9, at a time when any change in the tenure of land seemed improbable, strongly recommended this on economic as well as political grounds. The passing of the Land Act of 1881, however, which has given to every tenant in Ireland security of tenure, protection for his improvements, and a remedy against unjust rents, has rendered far less important the economic aspects of such a measure, and the pressure for increasing the facilities and for reducing the terms of the loans now comes mainly from landlords who are desirous of selling their lands.

I will only add that such measures as these will probably be quoted as a precedent for similar advances in England and Scotland, and already we have proposals in this direction for improving the condition of the crofters in Scotland and the agricultural labourers in England. It will be necessary,

therefore, to consider carefully how far it is wise to use the State credit on a large scale—that is, the taxing power of the whole people, with a possible ultimate charge upon the poorest of taxpayers—to effect improvements of particular classes. Of all the forms of State action or intervention it is the one most easy to resort to and the most likely to lead to abuse.

Lastly, I might briefly refer to the increasing tendency of late years on the part of the State and of local authorities to regard the interest of the community in matters of art, and to provide for the recreation of the people. The great increase of our national collections; the loans of their surplus works to local authorities; the establishment by many municipalities of museums, art-galleries, and free libraries; the recognition that it is within the functions of such authorities to provide public parks and recreation-grounds; the movement of late years for the preservation of commons; the Act for the preservation of ancient monuments; the great interest in our public and municipal buildings, are all evidences of the increased regard for the public welfare in this respect. In some quarters these are all included in the condemnation of State action, and regarded as a tendency towards Socialism. It is only, however, by denying altogether the corporate existence of society, it seems to me, that such objections can be sustained.

I have now gone through the chief heads of the many cases of late years where the State has made its influence felt, or has intervened to regulate the conduct of individuals, or has added to its functions. With respect to many of them, I believe that the strictest economists of the older schools would have no doubt as to their expediency; others are to be justified either on their own merits and by their results, or on the same grounds as many other similar measures, in earlier times, which experience has approved. With respect to some few it may perhaps be doubted whether we have not endeavoured to enter too minutely into regulations, and have exceeded the limits of a wise interference of the State. It would not, however, be difficult, taking a broad view of the action of Parliament, to justify by results the general drift of its legislation. In this sense I might refer to the general evidences of improved condition of the masses of the population.

The most conspicuous illustration of this improvement is that brought to light by the tables of mortality of the last few years. They show that all over England and Wales,

and especially in the great towns, there has been since 1875 a very great decrease in the average rate of mortality. This decrease has been a progressive one. The reduction in the five years ending 1880 was very great; for the last three years it has been even more satisfactory. This decrease has mainly taken place between the ages of 5 and 35 in the case of males, and between 5 and 45 in the case of females. Between the ages of 10 and 25 in the case of men it has amounted to as much as 25 per cent. on the deaths in previous years, and in the case of women between the ages of 10 and 35 it has amounted to 28 per cent. Taking the last ten years, if the previous rate of mortality had been continued, nearly half a million more persons would have died. In other words, there has been a saving of life to this extent. It is estimated that, if this improvement is maintained, there will be an addition to the average life of every male person born in England and Wales of 2 years, and to every female of nearly 3½ years, and it is further stated that of this increased duration of human life, 70 per cent. in the case of men and 65 per cent. in the case of women, is in the useful period—that is, between the ages of 20 and 60. These are very remarkable facts. Great authorities differ as to the causes. Sir Lyon Playfair, who is equally conversant with the subjects of health and education, has stated that in his opinion the improvement is very largely due to the effect of the Education Acts of 1870 and 1875. Speaking last year on the Education estimates, he said: 'The apparent result of improvements in hygiene is in itself only 6 per cent., so that the high figures during school ages must have a specific cause. School life seems to have a most favourable influence on the health of the children of the whole population. They have been taken out of the streets and alleys, and from the vitiated atmospheres of their own homes, and they have been brought into schools with proper sanitary arrangements; and the benefit to their health has been a surprise to sanitarians for the largeness of the reduction of mortality.' On the other hand, Sir James Paget, who is no less an authority on hygienic questions, attributes the great reduction to the sanitary legislation of 1870 and 1875. 'It would be unreasonable to doubt,' said he, in his recent address at the Health Exhibition, 'that the chief good influence has been the improved means for the care of health which recent years have produced. This is made nearly certain by the fact that the largest gain of life has been in the diminution of the

deaths from fever and of the deaths of children under fifteen, for they are the very classes on which good sanitary measures would have most influence.' Where such authorities differ it may be wise to suspend our judgment as to the degree in which these two great influences have been at work. The case is a good illustration of the great difficulty I alluded to at the commencement of my address of assigning to phenomena their exact causes. It is to be observed that the decrease in the rate of mortality has been far greater in urban districts than in rural districts, and it has been still greater in our large manufacturing towns than in London, where, in spite of its great population, the rate of mortality has been always low. Omitting London, the mortality in fourteen great towns, with a population of 2,781,000, has during the last three years, as compared with the average of ten years ago, been reduced from 27·2 per 1,000 to 22·1 per 1,000, or nearly 20 per cent. It may be worthy of consideration whether one of the causes of this reduction has not been due to the Factory Acts and to the limitations on the employment of children effected by the Act of 1874; and, further, whether the general reduction all over the country is not partly owing to the very low price of bread and other articles of necessity during the last few years.

It must, however, be noted that at the more advanced ages, beginning with men at the age of thirty-five and with women at the age of forty-five, there has been a slight increase in the rate of mortality, showing that the causes, whatever they are, have not operated in later life or have been counteracted by others. I have seen no satisfactory explanation of this increased mortality at higher ages. We may not unreasonably hope that improved education, healthier habits in early life, and the care with which children are now regarded by the State in respect of labour, will produce their effects even at the later stages of life, as the children of the last decade advance in years. Another observation to make is that the reduced mortality points also to a corresponding reduction in the number of cases of illness. Death ensues only in a certain known proportion to the cases of various kinds of diseases; in typhoid fevers death occurs in 15 per cent. of the attacks, or in one case out of seven; we may presume that where the death-rate shows a great reduction in the case of deaths from this and other diseases, there has been a corresponding reduction in the attacks. We have no statistics as to the number of illnesses, but it

is obvious that great benefit and enormous economy of time and money must have accrued to our working population from the reduction I refer to.

During the last ten years, taking the increase of population of England and Wales into account, there has been a decrease of pauperism of 30 per cent. and of serious crime of 22 per cent. Other causes, however, have doubtless contributed to this.

Looking broadly, then, at these facts, they bear remarkable testimony to the general success of the legislation of the last fifteen years. I know of none which can support the argument that by extending the sphere of the State we have sapped the foundations of self-reliance and self-help of the people. It appears to me that never was there greater activity in individual efforts or in municipal life, and that the increased action of the State has stimulated private and local agencies in the direction we desire. I might quote on this point from the recent report of the factory inspectors with reference to Birmingham. The factory inspector employed at Birmingham, Mr. Bowling, on leaving his post after thirteen years' work, reports as follows :—

'I feel it my duty to bear testimony to the great steps which have been taken during the last few years by the whole community of Birmingham to improve in every possible way the conditions under which its thousands of toiling people shall perform their daily round of work and to brighten their social life. In every way much has been done to make life more attractive; the town itself has undergone a remarkable change; its dull and dreary aspect has, in most of its principal thoroughfares, given place to brightness and beauty. Its public institutions for the improvement and culture of the people have been multiplied and extended, while the education of the children has progressed in a remarkable manner; and last, but not least, in such a busy hive of industry slow but steady improvement is taking place in the dwellings and workshops in which the working population pass their time.'

The pressure of increased local rates caused by the fresh duties thrown upon local authorities has been great, but never was the pressure of imperial taxation less, and never have we devoted so large a proportion of it to the repayment of debt as during the last few years. It may be hoped, therefore, that an adjustment of taxation will place greater resources at the disposal of local authorities.

Looking, then, for the future by the experience of the past, we cannot, I think, oppose to any proposal of legislation, or to

the extension of the functions of the State, any rigid doctrine of *laissez faire*, based on theoretic objections to the action of society in its corporate capacity, or on abstract views as to the inexpediency of interfering with individuals. Each case must be dealt with on its merits. It is well, indeed, that we should bear in mind how great has been the extension of late, and in what proportion has been the increase in the number, of paid agents for the purpose of carrying out all the functions I refer to. The Inspectorate already consists of a staff of nearly 700 officers, costing in salaries over 300,000*l.* per annum.

The ablest and wisest men in the Civil Service are, as a rule, opposed to any great extension of their departments; they know the weakness as well as the strength of their machine. Officialism is apt to engender a spirit of formalism. In order to avoid unequal treatment in different parts of the country, it must be governed by strict rules, which to the outside world appear to savour of 'red tape.' Parliamentary government also is not favourable to the development of an enlightened bureaucracy. By holding the official head of the department responsible for every detail of administration, however minute, which occurs under him, Parliament tends to make the permanent officials timid in action and fearful of responsibility. The multiplication of officials with common interests not identical with those of the State is a danger which we have to guard against. With a great increase of the inspectorate, who will inspect the inspectors, or insure that they will not become the partners of capital rather than the protectors of labour? When penalties are greatly multiplied, who can prevent their becoming to wrongdoers, like scarecrows, 'their perch and not their terror'? The presumption, then, may well be against extension, unless a strong case is made out.

In view of the great increase I have referred to, it may be well to consider whether we may not reduce the functions of the State in other directions, and restore to individualism some of the duties which in past times have been assumed by the Government. Again, the experience of Ireland, the complete breakdown of its system at the time of pressure and difficulty, the claims which have been made in many quarters that the State should assume the functions of universal landowner and landlord, with or without compensation to the present owners, may well cause us to consider whether the present state of landownership in England and Scotland is on a safe foundation, whether it would stand the test of

a serious crisis, and whether it is the result of natural causes working freely, or of the intervention of the State for centuries favouring and facilitating by law, and in many other ways, the accumulation of land in few hands. There is no subject on which economists have so long been agreed, and on which I find such strong testimony in your past proceedings, as that all these influences of the State should be withdrawn and that the law should facilitate the dispersion of property and the multiplication of owners, and make the transfer of land as simple and cheap as possible. Such legislation would be the very reverse of State intervention. Hitherto the action of the State has been always in the opposite direction. For my own part, convinced as I am of the value of the principle of individual property in land, I have always contended that it has not its full and proper development in this country, and that the present distribution of land, and the almost entire separation of the two functions of ownership and occupation, is unnatural and politically and economically unsound.

Another subject on which for the last thirty years all authorities are agreed is the expediency of utilising the resources of our enormous charitable endowments. Nothing is more certain than that a large proportion of them are doing mischief to the very class they are intended to benefit, by promoting pauperism and sapping the motives for thrift and independence. A Committee of the House of Commons over which I presided last session very strongly urged a more active reform of those bodies. It has laid down two principles which should always be observed in such reforms, namely, that charities should in no case be diverted from the class they were designed to benefit, and that the poor should not be neglected for the benefit of other classes, and that absolute fairness should be observed towards people of all religious opinions—principles which there is no evidence to show that the Charity Commissioners have infringed in their past action. Of the same class of question is the reform of the City of London Guilds, whose enormous funds are now wasted in the most scandalous manner.

Lastly, there is the question whether, in view of the great increase of functions of the Government, we may not better distribute those functions and hand over many of them to local bodies. So far the tendency of legislation of late years has been rather to centralise the work of Government than the reverse. Parliament has shown itself equally ready to administer for all as to legislate for all; and like

the elephant, it is as ready to pick up the smallest pin with its trunk as to tear up a tree. In truth, there cannot be a more important question than that of extension of local government and the relief of Parliament and of the Government of some of its almost overwhelming duties.

These, however, are but some of the social questions which remain to be dealt with. I refer to them as they are questions in which I take a personal interest. When I looked back on the twenty-seven volumes of your annual proceedings, it seemed to me that scarcely anything could remain for discussion, and that your work must be nearly completed; but further consideration has convinced me that that is very far from being the case. There has been a distinct revival during the last two years of public interest in social questions. New questions, some of them touching the very foundations of society and of property, are being raised and discussed by the people, and should be freely handled by such a Society as this. I venture to say also, without fear of contradiction, that there never was a time when there were a greater number of economic questions of the highest importance affecting the trade, the condition of the people, and the future of this country, which require discussion and elucidation with a view to the formation of a sound public opinion. Parliament has also become more than formerly the place in which the determinations, which the country has already arrived at, are adjusted by legislation to their opposing interests, rather than the forum for discussion of questions of principle. There is therefore ample justification for such a Society as this, where questions of principle may be discussed free from party spirit.

Let us then enter upon the work of this meeting with a full determination to treat the subjects before us in the best spirit of philosophic fairness and of enlightened scepticism, not omitting to season these qualities with sympathy for our countrymen of all classes. We should always recollect that, unless the heart is in perfect accord with the head, the comprehension and solution of social questions will elude the grasp of the ablest and the wisest.

Address

ON

JURISPRUDENCE AND AMENDMENT OF THE LAW.

BY

JOHN WESTLAKE, Q.C., LL.D.,

PRESIDENT OF THE JURISPRUDENCE DEPARTMENT.

THE person who occupies the chair of the Jurisprudence Department in this Association has open to him a simple plan for his address, and often the best plan, in reviewing the progress of legislation, and of inquiries undertaken with a view to legislation, since our last meeting. That way was barred to me by unavoidable absence from England, and consequently from the necessary data, at the time when my address had to be written. But the regret which at one time I felt on that score has been lessened by the fact that, in the annals of our legislative harvests, 1884 will certainly not be handed down as the year of an abundant crop.

Another course open to your president is to comment on the most important of the questions which are to come before the department. Here we are met at once by the thought of a painful loss. It is barely a fortnight since Sir Robert Torrens, the author of the system of land title registration referred to in the first special question for the section of municipal law, was taken from the field of his labours. The expression is one of the most literal truth, for this very summer, in spite of enfeebled health, he laboured assiduously on the subject in a committee of the Association, and took part in bringing the results at which that committee arrived before the Treasury and the Law Officers of the Crown. He hoped that at Birmingham too he would be

with us, but now it must be for other eyes to see the victory which I for my part believe that his system will one day gain in this country. We may be consoled by remembering that he lived to see it adopted in so many of the colonies, and our hearts ought to be stirred to emulation by the example he has set us of working unwearied to the last for the public good.

But, leaving this and other technical subjects to the discussion which they will receive in the section, I will come to the question which, among those to be considered by it, is most likely to be generally interesting—What amendments are required in the system of local government in England, with regard to areas, functions, and representative or other authorities? Of course the question so framed points to county government, in which both the great parties in the State have admitted considerable changes to be necessary. This subject may appear to some to approach dangerously near to those which our Association shuns as being political. The county administration having been hitherto in the hands of a single class, the landed gentry, that class must necessarily lose some power by any change in it, and the proposal of a reform may be thought to cover, or even to constitute, a political attack on them. But their exclusive possession of these functions is so plain an anomaly, and it has been so generally admitted that something must be done to correct it, and on the other hand the exercise of those functions by the class in question is so unanimously admitted to have been pure and honourable, that they may well take all sting out of the attack, if any there be, by joining in the calm consideration of the measures to be adopted. Again, if any one should quote the fact that the municipal elections in boroughs are often fought under party banners, as a proof that party cannot be separated from the action even of local bodies, we may answer that there is no real political character either in the functions of our present county government, or in any which are likely to be attributed to an amended county government. An institution is degraded, and its usefulness impaired, when strife, founded on party divisions quite foreign to its object, is introduced into its working. And nothing can be more worthy of Social Science than to seek how such a result may most effectually be averted by the arrangements to be made, and at least to show by example that the subject may be discussed, not with a view to party gain or loss, but in the light of all that either experience or sound theory can contribute to its elucidation.

An historian or traveller who wished to delineate the social condition of a country would not fail to remark on the mode and degree in which the people participated in the management of their local affairs. While the national government was treated as a political matter, the arrangements concerning everyday local life would be universally treated as a social one. We could not therefore have declined to consider that branch of English life, at a time when circumstances have brought it into the foreground, without treason to the principle expressed in the very name of the Association.

I do not know how far the gentlemen who will read papers on this subject may present a complete scheme. For my part, I only propose to make some observations on the principles which ought, as it appears to me, to be attended to in preparing one. The subject is one in which the application of any principles will require great knowledge of details, owing to the chaotic state to which piecemeal legislation has brought it; and for the same reason it is probable that Parliament itself may be unable, in a first effort, to carry out any very consistent scheme. It is not, however, for that reason at all the less necessary to bring general considerations to bear on the matter. On the contrary, the greater the confusion which has to be reduced to order, the more necessary is it to have a clear grasp of principle, as the only means of making any tolerable approach to a good result.

The first thoughts connected with the subject that will occur to most are those expressed by the rival words, centralisation and decentralisation. Some will be loud in praise of local self-government, as the most ancient and most valuable element in the British constitution, and will urge us to resist the encroachment of Parliamentary regulation and of Government departments in Whitehall. Others will see no salvation if the collective enlightenment of the country is not allowed free play to bring up the darkest corners to its own standard at its own pace. Each set of theorists must submit to have their aspirations limited by the possible, but it is the peculiar fate of the decentralisers that in their case the measure of the possible depends very much on their own recognition of it. I mean that if they claim local self-government for areas too small to furnish the necessary enlightenment and public spirit, they render it indispensable that Parliament, and the boards in Whitehall which they abhor, shall exercise a much more minute

control than might otherwise be sufficient. Take for an example the division of authority, on elementary education, between the School Boards and the Committee of Council. That division is arranged to suit the case of School Boards in country parishes and small towns, which are often not well affected to education, and are seldom very competent judges of it. Its lines cannot be substantially altered while such areas are allowed any scholastic autonomy. But can any one doubt that the line could and would be drawn more in favour of the local authority, if there were no School Board districts but such as Birmingham, or a large and varied district that might be comparable in importance to Birmingham?

At this point there arises a general reflection which may be commended to those who praise local self-government because it is an ancient, I may even say an original, part of our English system. The more complex does a society become on the one hand, and the richer in its results does science become on the other hand, the larger must be the population which can be satisfactorily taken as the unit of self-government. The community is affected at more points by the vice, the improvidence, the ignorance, the disease, of individuals; it needs better communications, and various institutions before unthought of; knowledge supplies means which more or less keep pace with the necessity, and sometimes even stimulate the sense of need, but which are always costly. Then a larger population is required to supply the means and the intelligence which the new circumstances demand. Stand, if you please, on the old principles, but take them in their spirit and not in their letter. The old parish, which mended its roads and maintained its poor, but where the children were untaught and the lunatic uncared for, where the ditch bred pestilence and water was drawn from the churchyard well, has perished in most of its peculiarities. It would be folly to contend for those which remain, or to renew the fight on the next larger area with a mere parrot cry for local self-government. You may make that cry a reasonable one if you will admit that it is not self-government to carry out a few details within lines narrowly drawn by a higher authority, and continually checked and overruled by that authority even within those lines. Let it be acknowledged that nothing is worthy of the name of self-government, or would have been recognised as such by our ancestors, which does not include a real and large independence in the subjects to which it applies.

Then inquire what is the smallest area to which under the present conditions of society that real and large independence can be allowed, and you will have done something to check the progress of centralisation. Probably no one will hesitate to say that the area thus pointed to cannot be smaller than the average county, only that where a town, like Birmingham, is large enough to furnish in itself the necessary guarantees of good local government, it should not be sunk in any district with which it has little in common, but should be made a county of itself, as the Bill of this year proposed to do for the metropolis.

The mention of counties suggests the contrast between the line of thought thus far pursued and the actual state of things. The administrative and financial part now played by the counties is far from being an important element in our entire system of local government, and probably very little would have been heard about it but for the anomaly which it presents of taxation without representation. If a measure of reform were limited to correcting this anomaly, by establishing representative institutions for the counties without any enlargement of functions, those institutions would be out of all proportion with the work they would have to do, which would probably fall very much into the hands of the members residing in or near the county town. If, on the other hand, the occasion is seized to enlarge the county functions, opportunity is given for sarcastic criticism on the folly of creating a needless instrument for the sake of theoretical perfection, and then either creating equally needless work for it to do, or at least transferring to it, for the mere sake of finding it employment, work already well done by other instruments. But a sounder view of the case will probably be that it presents a fortunate concurrence of two indications pointing in the same direction. There is the fact that local self-government is becoming a mere name, fettered as it is by the regulations and inspection of Parliament and central boards; and there is the fact that that very area has been handed down from old times, which recommends itself as the one best fitted to maintain the due balance between centralising and decentralising tendencies.

I believe that with regard to one matter public opinion has been declared pretty strongly in favour of giving large powers to the county boards of the future, namely, the regulation of the liquor traffic. It seems to be getting generally thought that a just mean may be found in that way

between the Permissive Bill, which would entrust such regulation to small towns and parishes, and the system which reserves it for Parliament. A representative county board is expected to treat the question on grounds large enough to justify the claim that it should control private conduct. I not only concur in that view, but would point to it as an example of how surely local freedom, to be enjoyed by a district in no respect petty, suggests itself, sooner or later, as the means of settling questions on which unanimity is not to be looked for until various experiments have been tried. No man who desires to see our social legislation advance along a path enlightened by experience, not rashly imposed but willingly offered, can fail to regret that this great town was not permitted by Parliament to try the Gothenburg system of a public monopoly for the sale of liquor. If on such a point wisdom is not to be found in a population of several hundred thousand souls, who will have daily before their eyes the results of the system they propose to try, it will hardly be found in the entire body of the nation, composed of populations inferior in the opportunity of judging and not superior in any other respect. It may be hoped, from the growth of opinion in the direction referred to, that a different spirit will now prevail from that which prevailed on the occasion in question; and that the future county boards will have liberty to deal with the liquor traffic, not merely by fixing the number of public-houses, and the hours and conditions of their opening, but so fully as to permit the trial of experiments like the Gothenburg system.

To what extent county boards ought to be entrusted with power on subjects now within the competence of smaller bodies under central control, such as health and elementary education, and whether in any case the powers should be given by way of substitution for those now enjoyed by the smaller bodies, or by way of supervision over the latter, are details which may be usefully discussed in the section. I will only say, with regard to health, that officers cannot be expected to do their duty in the matter of nuisances and bad water supply, unless they depend on authorities free from the sinister influences which are to be met with in small localities. It needs but a moderate acquaintance with rural England to be able to point out parishes where great evils of this kind are suffered, and acutely felt by the populations which suffer them, without much chance of a remedy under the present system. The cases may, on the whole, be exceptions; but half our laws are, and must be, designed to repress

or remedy mischiefs which only exceptional persons would cause.

One matter, however, not now within any local competence, I would mention as especially suitable for the action of county boards. It would be out of place for me, in this department, to enlarge on the destitution of England in the matter of secondary education. I hope we shall hear of it from a far better authority in the department of Education. But this is the place to remark that on the one hand the supply of good secondary schools can never be made a parochial function, both on account of the area which each such school must serve, and the knowledge required for its successful establishment; and that, on the other hand, the success of such schools must depend very much on their being fostered by local interest of some kind and extent. I would not be understood as proposing that a new burden, for the maintenance of secondary schools, should be added to the county rates of our much taxed England. I believe that the need might be met out of charitable funds destined for the purpose, or which might be made applicable to it, but I should strongly advocate the administration of such funds for the purpose being largely committed to the county boards of the future.

I have not mentioned among the subjects for local government the matters which now occupy Parliament in the form of private Bills. They have often been so mentioned, but, possibly, without sufficient reflection. One remark, so obvious that I rather wonder it has ever escaped being made, is that England is after all a small country, and that a large proportion of the projects which Parliament is asked to sanction affect it so widely that they would have to be sanctioned by the authorities of half-a-dozen counties, if by any. Think of Railway Bills, or of Bills for bringing a supply of water from any distance, and then say whether it would not be absurd and extortionate to subject their promoters to a contest in every county they had to pass through, with the consequence that to fail of success in any one of those contests might destroy the whole project. But this is not all. There is a consideration well worthy of Social Science, if that science possesses anything of an inductive character, and is not merely a cloak for ardent wishes or humanitarian assertions. Even if we contemplate works that may be confined within the limits of a single county, like docks, private Bill legislation, from its very nature, has a tendency to invite corruption, and the supply of honesty is limited. I believe that England is free from corruption in these

matters to a remarkable degree, not only in its coarser forms, but even in the form of voting in a public capacity from motives of private interest. But let us not be pharisaical enough to suppose that we have so little of this cancer because we are better than others, and that we can therefore afford to reverse with a light heart the conditions under which we have enjoyed our comparative immunity. That is what we should do if, for the grant of valuable privileges, we replaced Parliament, with its moderate numbers, its exalted position, and the glare of publicity which attends all its proceedings, by local bodies, comprising altogether a very large number of persons, mostly of no particular eminence, and whose proceedings would not attract more notice than we see is attracted now by those of some local bodies which they would hardly surpass in importance.

It by no means follows that Parliament does not require relief, but there is a poverty of social ideas in assuming that it can only obtain that relief by splitting up its functions among little parliaments, as some of the lower organisms propagate themselves by dichotomy. There is another way, by delegating the inquiries preliminary to the grant of valuable privileges to permanent commissions, somewhat resembling the Railway Commission, whose reports should be laid before Parliament, and take effect if not vetoed by resolution within a given time. The matters in question are such as ought to be disposed of with some approach to fixity of principle. A fixity reaching the judicial standard would be impracticable, because the matters themselves do not admit of precise definitions like those of law; but there is a standard short of that—we may call it an administrative standard of fixity—which can and should be applied. Parliamentary committees do in general honestly try to apply it, and not without a fair measure of success. It may well be doubted whether a number of local bodies would make an equally honest attempt to apply it. At least their very number renders it all but certain that it would not be uniformly applied by them. Yet in such matters caprice not only works injustice, but serves as a cover for corruption. A permanent commission would be sure to proceed with as much fixity of rule as the case admitted, or, at the worst, its failure to do so would be immediately detected; so that on every ground, I submit that it is in that direction the necessary relief of Parliament should be sought.

The special subjects appointed for discussion at this Congress do not include any in the section of international law, yet probably the Association never met at a time when foreign relations held a larger place in our thoughts. It may have been considered that only those international questions are fitted for scientific discussion which in some sort belong to law as distinct from policy, and that the present circumstances do not furnish any such question. But the whole matter of international relations affords no worthier subject for reflection than that very distinction between law and policy, between the field in which the action of a state is or ought to be governed by rules approaching in fixity to law, and that in which it must be left to the guidance of the national conscience, seeking enlightenment honestly but without trammels. Nor, as it seems to me, can any subject be better fitted for our attention on the present occasion. If it cannot be made definite enough for a subject of formal controversial discussion in one of our sections, still no part of international law can be scientifically discussed at all without some reference to the relations between international law as a whole and international policy, and such reference is therefore proper to be made when we are met together as a department. And at the present time the point has an additional interest. A course of events, stronger than ourselves, is leading this country into extended action and responsibility, without, as I believe, there being any desire for it on the part of any large number of our fellow subjects. Every one therefore who would choose that his small individual share of influence should be exerted on the side of right must feel an interest in any course of reflection which can throw light on the relation of international policy to international law.

The likeliest way to understand the obscure is to set out from the familiar, seizing those features of the latter which, from their importance and generality, promise to have analogies beyond their immediate range. It will be well therefore to begin by considering the relation between two branches of national government, the judicial and the legislative. The judicial branch, in the language of philosophy, deals with *justitia expletrix*. In plain English, it only acts on an assumed basis of ascertained legal rights, such as those of property and possession, of contract, of marriage, of reputation, and so forth. When any of these rights has been invaded, it is the business of the judicature to re-establish the injured party in the enjoyment of the invaded right, filling up to

him what, through force or fraud, is lacking in its measure. Hence the name of *justitia expletrix*, the justice which fills up. It is essential to it that there should be a measure to be filled up, or, as I called it, a basis of ascertained legal rights. On the other hand, the legislative branch of government deals with what in the language of philosophy is called *justitia attributrix*. In plain English, it lays down, and from time to time modifies, the legal rights which form the basis of action for the judicial branch. The effect of its doing so is to attribute to each person that measure of legal rights which it is thought fit that he should have, and which the judicature is afterwards to maintain for him in its fulness; and hence it is rightly called attributive justice. Were I addressing a less enlightened audience, I should have to guard against being supposed to mean that these two functions are always exercised by distinct departments. We all know that in some countries and ages judges legislate in disguise, and Legislatures presume to adjudge without disguise. But the functions are distinct, for all that; and the rudest society could not hold together without some distinction being made at least in their habitual exercise. The loosest bond known among men could not long be maintained if judges did not decide a thousand times according to rule for once that they introduce a new rule, or if no power was recognised as capable of introducing a new rule in case of need.

Probably no one will doubt the necessity that judgment should be given according to law. What to some may be less apparent, but what my present theme requires me most to insist on, is the necessity that in all government there should be a power above the law, able to control and modify it. If any of you doubt this, let him reflect on what the British Parliament does in that kind. There is, first, the enactment of new laws, to apply to future cases. But, secondly, the enactment of new laws is by no means confined to future cases. It is a general proposition that new laws of procedure apply to existing rights as well as to future ones, and, when we remember that statutes of limitation and bankrupt acts are deemed to be laws of procedure, it is apparent how much real interference with existing legal rights is covered by that axiom. And, thirdly, the interference, the necessary and laudable interference, of Parliament with existing rights does not stop at the limits even of a general proposition. It interferes in special cases, by expropriating owners of property, and that even in aid of private enter-

prises, when such a course is deemed to be conducive to the public good. And it gives special relief to the parties to existing contracts, as in the case of the Irish Land Act, where it is thought that the suffering caused by those contracts amounts to a public evil. Most of what the British Parliament has done in these cases has been done by the Governments of all other countries. If there be any country which does not possess among its institutions the recognised means of doing things equivalent to the whole of what has been so done—I allude to the prohibition in the constitution of the United States of legislation by any State impairing the obligation of contracts—it is only a country so favourably circumstanced that the resources of Government have been but lightly strained in it, nor has the experiment received what can be called a long trial, having regard to the life of nations. In all these cases, legislative or attributive justice is called in to shift the base of judicial or expletive justice, leaving the latter to recommence her ordinary course on the base so shifted. A moral standard of right and wrong is appealed to, in order to correct the legal standard. A right and wrong are appealed to which do not presuppose a law to measure them, but from which the law ought to result; and behind which there stand only the facts of nature, and the golden rule to do to others as you would that they should do unto you.

Now international relations present questions analogous to both the classes which have been pointed out as arising within the limits of a national government. There are international relations which assume a basis of ascertained legal rights, and which, as well in that general character as in the nature of their details, approach closely to the relations between individuals which are the subject of judicial decision. Thus the rights arising from treaties are actually rights of contract; the right to the sovereignty over territory, whether arising from discovery, possession, or treaty, resembles the right of property in some important respects; and various other questions, such for example as those of prize law in maritime war, depend on rules which resemble many national laws, both in the fact that controversies rage about their historical origin, and about the philosophical justification for the deference paid to them, and in the fact that, notwithstanding those controversies, they are in general admitted to be binding till altered. But there is another class of international relations the analogies for which, among the questions internal to a State, must be sought in those

which are dealt with by Legislatures. Has a rule of prize law, for example, become so irksome to important maritime nations that they require its alteration as a matter of imperative necessity? Here we have a question analogous to that raised by a Bill in Parliament proposing to alter the law of England. Has a state of possession become an unendurable public mischief to the commonwealth of nations, as in 1859 and the following years was alleged to be the case with the possession by Austria of her Italian provinces, and of her influence in the remainder of the Italian peninsula? Here we have a question analogous to that raised by a Bill in Parliament proposing to expropriate an owner for the public good. Has an existing state of rights arising from contract become a public mischief, as this country asserted by necessary implication when she invited the Powers to agree to a reduction of the interest on the Egyptian debt? Here we have a question analogous to that raised by a Bill in Parliament proposing to enact or modify a statute of limitations or a system of bankruptcy, or to one which, like the Irish Land Act, proposes certain interference with the legal rights resulting from specified existing contracts.

The first remark which occurs on this broad distinction between the two great classes of international questions is that, between nations which have attained the European degree of civilization, the questions which are analogous to lawsuits between private persons do not now lead to war. They led formerly to wars, because in no very distant times kings and commonwealths equally were like big children, or barbarians, placing little restraint on their actions except in the presence of manifestly superior physical force. And wars still arise out of questions of that class where at least one of the parties is barbarous, of which I believe that the present contest between France and Madagascar is an example. In that contest other points have been raised which are beside my present purpose, but I believe there is no fair doubt on this point, that the Hovas contracted by treaty to permit French citizens to acquire landed property in their dominions, and have persistently refused to carry that stipulation into effect. But the very mention of that case is enough to show that war for such a cause, between countries having our actual standard of civilization, is no longer imaginable. There is no more wisdom in belittling ourselves than there is in pharisaical boasting. If the frontiers of Europe be rectified by including the United States on the one side, and leaving out Turkey on the other, it may be said

that the European nations now perform their contracts and respect each other's possessions in all cases analogous to those which, if they arose between individuals, would be decided by courts of justice. When facts are in dispute, as they often are in boundary questions, no difficulty is experienced in referring them to arbitration, if they cannot be otherwise agreed on.

The occasions which in the civilized world are really menacing to peace, those which in a very fair use of language may be said to call up questions of policy as distinct from law, are those when some great emergency, or perhaps only the accumulated pressure of an emergency which has lasted long, rouse that determination which within a State is the source of legislation, the determination no further to treat the particular matter in hand on the basis of ascertained and existing legal rights. For such occasions the stock remedy of a certain class of theorists, that international law should be codified and an international judicature established for applying it, would afford no remedy, even could the code and the judicature be practically forthcoming. Yet such occasions have multiplied in recent history almost as fast as the flagrant violation of ordinary rights has died out as a cause of war. Just as a rude national society can go on for ages with little or no legislation but what at rare intervals is covertly introduced under judicial forms, but, when the society becomes more complex, a developed Legislature, parliamentary or autocratic, is found to be indispensable, so arrangements which by no process can be reasoned out from existing admitted rights have come to be often necessary to the society of nations. Nationalities call for the rearrangement of State boundaries in better accordance with their desires; and community of language, as an element of nationality, has received greatly augmented importance from the growth of freedom. For freedom means government determined by discussion, and language is the vehicle of discussion. On the other hand, public security requires that some regard be paid to natural frontiers. Again, the intimacy of intercourse between different countries, and the changed methods in which that intercourse takes place, have made it very doubtful how far certain old rules any longer fit the condition of things, while it is also very doubtful how far any adequate alteration of those rules can be looked for from the free concurrence of every State. Certainly the laws of war as affecting neutrals, and the extradition of criminals, are subjects which might with advantage be thoroughly re-

considered by some power capable of enforcing its conclusions. These are but specimens of the points out of which wars have arisen, are arising, and will arise; the only perfect remedy being an international legislature, which for the present must be a figment of the imagination.

There is however an expedient by which the modern world is feeling its way towards an international legislature, namely, congresses and conferences, terms the distinction between which is merely formal. The earliest examples of such gatherings are found at the close of great wars to which there were many parties, as the Congress of Westphalia sat at the close of the Thirty Years' War. In later times they have come to be adopted, and with increasing frequency, as means of avoiding war, and of making necessary regulations. To say that such gatherings, if well managed, may possibly have a great future before them, would inadequately express my view of the case. Believing that complete national independence is little more compatible with the great society of the world than complete personal independence would be compatible with the smaller society of every day life, that in whatever forms men coexist on this earth some government is essential to their welfare, I must believe also that the necessities which have drawn individuals together under governments will certainly continue to work until nations in their turn have been drawn together under a government. Further, believing that the advancement which may be looked for in the remote future will only be reached through tentative processes, we can hardly doubt that a system like that of congresses, which has arisen in a very simple manner out of manifest wants, and which clearly points in the right direction, is a germ destined to important development. I will not therefore say *whether*, I will rather say *how soon*, any institution approaching to an international legislature may arise out of congresses and conferences, must depend very much on the skill and good faith shown in their management. The dangers to be avoided appear to lie in two opposite directions, the one that these gatherings should forget that their work is in the nature of legislation, the other, that they should assume legislative power faster than the world is prepared to concede it to them.

A congress would forget that its work is in the nature of legislation if it persistently opposed a dry legal right to a claim for relief strongly founded in the facts of the case. Such conduct would amount to a declaration of incompetence, which in a State leads to civil war and revolution, and, inter-

nationally, can only lead to other means of relief being sought. The maxim *corruptio optimi pessima* has no better illustration than when the spirit of the lawyer, admirable in its proper place, is allowed unduly to intrude on the deliberations of Parliament. Narrowness of view is evident in such cases, and often a preference for the interest of clients above the public good is reasonably suspected. Nor are such criticisms one whit less appropriate to the deliberations of ministers of foreign affairs and plenipotentiaries, than they are to those of representatives of the people.

On the other hand, if real legislative power should ever be conceded by States to congresses, or to any institution arising out of them, it must be as the reward of services rendered, as a result of the confidence generated by proved wisdom and good faith, and not until provision has been made for a more adequate representation of the interests involved in each question than any European assemblage has yet furnished. For a nation is not like an individual, so poor and helpless a unit that he must put up with the worst government rather than attempt to live in complete isolation. A nation which has held on its course for ages, through victory and defeat, but always finding in the arms and brain of its sons the resources needful for a continuance of its life, and in their voices the approval which it most values, or the rebuke which most searches its conscience, such a nation can afford to pursue its independent career until it is thoroughly satisfied about the character of the power to which it is asked to submit itself. Until that time, the opinions which it hears in congress from other Powers will be for it the subject of respectful consideration ; and, if not convinced by them, still it will weigh well the proportion between the possible mischief to arise from choosing a divergent path, and the felt mischief which it would hope to cure by choosing it. But when all has been considered, it will admit no authority under heaven except that of its own free determination.

I must confess myself unable to assign any other standard by which that determination should be regulated than the one to which I have referred as the standard for internal legislation, namely, the facts of nature and the golden rule to do unto others as you would that they should do unto you. I know it will be said that this is not scientific, and that I have ended by repudiating all jurisdiction of science over international policy, whether in the deeper domain of principles, or in the more superficial domain of regulative institutions. True it is that any regulative institution appears to me to

be so remote from our time that I feel myself incompetent usefully to discuss the form it should take. True also it is that the subject of international policy appears to me to be exceedingly ill furnished with *axiomata media*, firm stages and stepping-stones for discussion, intermediate to the elementary truths of morality and the decision of particular cases. If this be called an unscientific view, I would not waste time over words, though it might be suggested that the first duty of science is to probe honestly the limits of what is known. Let us come to things. Are the desired *axiomata media* to be found in the rights of independence, equality, self-preservation, and so forth, which are usually paraded in the opening chapters of books on international law? Are those chapters usually marked by clearness of definition, agreement of definitions with facts, and coherence of conclusions with premises? Do the most valuable writers on international law rely much, when they come to details, on the generalities of this kind which, perhaps in deference to custom, they have set out by laying down? That all these queries should be answered in the negative is what we should expect, from the point of view which has to-day been developed to you. That independence, equality, and self-preservation should in their own nature be rights, would be incompatible with the admission that international relations must tend to the establishment of a government. If therefore there be any truth in that admission, the attempt to base an international science, whether you call it one of law or one of policy, on such rights, must fail, as being the attempt to give a statical form to a science which, so far as it can exist, must essentially be dynamical. If, on the other hand, you have found much help from such alleged rights, in trying to solve any international question which was not so simple as almost to preclude discussion, to that extent you can assert against me that a statical foundation is sufficient for the science. Whether it be so must be left to your careful reflection.

But what about the law of nature? If you mean it in the sense of a body of rules, juridical in form, which should govern the relations of States, as resembling individuals in a supposed condition prior to the institution of government, then you are merely coming round by another road to the old ground of rights of independence and *id genus omne*. Or rather you are coming round to it with this difference for the worse, that you are bringing in the more obscure to explain the less obscure. For we do know something about the con-

ditions under which States live side by side, but we know nothing of any condition of individuals prior to a government. At the best, modern researches into remote antiquity have given us some notion of the condition of families, larger or smaller, living side by side without much of a government over them; but to appeal to this, so far as it was not to explain the less by the more obscure, would be to explain the same by the same. And with regard both to individuals and to families, if there be one thing more certain than another about their condition in the absence of a government, it is that it is not a stable and enduring condition, so that any attempt to find in it a statical foundation for international relations must be predestined to failure.

There is, however, another sense in which a law of nature, or natural law, is sometimes spoken of. It is a sense not quite easy to seize, and it seems to fluctuate between that of the law which best, or in common parlance most naturally, fulfils the requirements of each case, and that of the law which would best preserve us from running counter to the moral or physical laws of nature, with the evil consequences of such folly. And what is called the English school of jurisprudence has been exposed to some obloquy for not laying much stress on the term in any sense. Now that for every case there is a natural, in the sense of a best, law, is doubted probably by no sane person. Nature has not given to men two ways, equally good, of reaching the same end. The riddle of that Sphinx has but one solution, and our welfare depends on finding it. But it may well be questioned whether speaking of natural law carries us any further than we get by asserting, as has been done, and as it is pre-eminently English to do, that the facts of nature must be the legislator's guide, whether he legislate within a State or as between States. The matter which he will find exists in the form of facts, linked together by those uniformities which are called laws of nature in quite another sense than the juridical one. With this matter kept constantly before his eyes he must pen the legislative page, but he will find nothing which he can transcribe on that page. The riddle of the Sphinx is no more to be solved by copying than by guessing, but only by comparing the data and schooling the conscience.

Address

ON

EDUCATION.

BY

OSCAR BROWNING, M.A.,

PRESIDENT OF THE EDUCATION DEPARTMENT.

Secondary Education.

IN the year 1869 I was travelling in Germany. I had visited Weimar, the home of Goethe and Schiller, and I was anxious to seek out that quiet summer resting-place of Ilmenau to which Goethe used to retire in the time of oppressive heat, and which he has immortalised in his poems. I took the train to Arnstadt, and drove in the post-waggon on a summer's evening through the little principality of Schwarzburg-Sondershausen. As I passed through the villages the houses were lighted up, and in most of the cottages at the table before the petroleum lamp sat a flaxen-haired boy or girl bending over the evening task. Surely I must have come, I thought, to that pædagogic province which Goethe has described to us, where the whole resources of life are devoted to education. This seems the chief business of the evening, the education of the children, and of the parents through the children. The next day I returned to Arnstadt, and as the clock struck eleven the village through which I was passing swarmed with children, fair-haired prattlers of both sexes, neatly dressed, with satchels on their backs tripping gaily back from school to dinner. This was before the passing of the Education Act of 1870. The sight of this universality of education filled me with greater wonder at the time, than it would the traveller of a younger generation who had grown up under the new régime. When I reached Arnstadt, I saw walking about the streets com-

panies of youths dressed in long black cloaks. Standing in a semicircle they sang before the different houses, one of their number collecting money from the inhabitants. On asking who they were, I was told they were students who were getting together money to help them to go to the University by singing from house to house. I remembered that the custom went back to the days of Luther. Notwithstanding that fourteen years have passed since Mr. Forster's Education Act this sight would even now seem very strange to English eyes. We have even now no school system which will fit a class of boys for University training who are so poor that they cannot afford to go there unless helped by public alms. We have no students who consider a University education so noble an end that it is not a disgrace to beg for it, and we have no public who would bestow in this manner the shillings and half-crowns which they give to German bands or to the hunters of Christmas-boxes. It is to the consideration of this gap in our educational system that I desire to devote my present address. Our primary education is organised in a manner which becomes more effective every year. Our University education has been improved, partly by the enlargement of the University curricula, and partly by the establishment of new Universities suited to modern needs. A complete system of secondary education which should lead the best scholars from the primary school to the University, and which should educate the bulk of the middle class, cannot be said to exist. I hope to show that this is a crying want, that it paralyses the activity of England in many directions, and that it cannot be adequately supplied without the initiative of the State.

Secondary education is not a new subject with educational reformers. Certain selected public schools were overhauled in 1860–1864 by a Royal Commission. Recommendations for their improvement were made, many of which have been disregarded, and they were placed under the care of governing bodies, who cannot be said to have performed their functions with very brilliant success. The endowed schools were the subject of another Commission, the result of which was that Lord Lyttelton, Canon Robinson, Sir Arthur Hobhouse and Mr. Roby were delegated by the State to furbish up these old endowments, and to enable them to execute some of the functions which their founders expected from them. The operations of this Commission were so distasteful to the conservative mind, that the government of 1874 destroyed this executive commission as a separate body and transferred

its duties to the Charity Commissioners. This new board was expected to do but little, and for six years did it, but since 1880 more vigour has been thrown into its operations. The need of an organised system of secondary education has often been eloquently maintained by Mr. Matthew Arnold. He tells us that it is the one thing needful, that it should be the first burden of missionary preaching. This deficiency formed the subject of a presidential address by Mr. Lyulph Stanley, when in 1879 he occupied the chair which I am now permitted to fill. But at the present time this question has received a new significance. Arguments derived from the misuse of old endowments have been worn threadbare. The most convincing argument is to show that we are falling behind other countries in intelligence and enterprise, and that unless we set our house in order, our commercial prosperity is at stake. The report of the Technical Commission, only part of which has been published, sets forth these conclusions in the strongest light. It compares trade with trade and country with country. It shows us that we are lamentably deficient in the special training which must be the life and soul of manufacturing success, but it also shows us by implication that an efficient system of technical education can only rest on a national system of secondary education. It is this general substratum of an education reaching beyond the primary school which makes the development of special branches of education possible, and even easy.

The Report of the Commissioners, who cannot be suspected of any undue academical bias, provides a complete answer to those who assert that a good practical training is superior to the best theoretical education. It is true that one cannot attain its full results without the other. On the continent there may be too much theory and too little practice, but in England we have suffered until lately from having no theoretical training at all. To take a single example. The Commissioners tell us (vol. i. p. 120) that a man who is to direct processes of weaving must have a training which he cannot obtain in a factory. A factory gives mere routine education just sufficient to do the work in hand. No one explains why the loom is made and worked in a particular way. Every man is kept to what he knows best. The weaver changes the shuttle as the spool is emptied, and watches all day long the loom going through the same operations thousands of times. But a certain width of range is more important to the intended master or foreman than great manual dexterity. The cognate branches of a parti-

cular industry are out of the reach even of an active learner who is not trained in a school. Perhaps a whole county has a leading industry, or a whole town a special branch of that industry, and each mill performs one single operation of that special branch. If an apprentice knew all that Bradford could teach him of the worsted manufacture, he would not possess a general knowledge of textiles. This complete knowledge can only be given in a weaving school. This is still more strongly the case where the industry has a scientific basis. An ironmaster or a colour manufacturer cannot succeed without a knowledge of chemistry, the mining or civil engineer must understand geology, mechanics and hydraulics. Beyond this are the more subtle accomplishments of a knowledge of and a taste for art. As in pottery, porcelain, glass, furniture, and metal work, the higher qualities of design and artistic workmanship have developed trade and brought wealth to the producer, so in textile industry it is the design that sells the cloth. The woolcomber, the spinner, the weaver, may each do his part faultlessly, but if the design is unsatisfactory or inappropriate, or the colour or finishing of the piece ineffective, it will be cast aside by the purchaser as inferior the moment it is displayed against more effective, even though intrinsically less valuable goods.

The kind of training thus recommended is given in special schools or in so-called Polytechnics where a large number of arts and sciences are taught together in the same building. But the pages of the Commissioners show that these higher professional schools would be ineffective if they did not presuppose a careful training in secondary schools either of the classical or the modern type. For instance, no German or Saxon can enter the mining school at Freiberg, in Saxony, unless he have obtained a leaving certificate at a gymnasium or a first-class Real school. Foreigners are admitted without examination. It is a disputed question in Germany whether the instruction given by Polytechnics might not be better given by Universities, but the approach to Universities is, as we know, barred in Germany by the leaving examination of the schools. The leading professors of Berlin have no doubt of the advantage and of the economy of employing heads of departments who have had a scientific training, and who are thoroughly conversant with the theory of their work. Professor Helmholtz told the Commissioners that his son, mainly owing to his knowledge of physics, and especially of the mechanical theory of heat, had risen to an important post in the great locomotive works of Krauss at

Munich. Dr. Martins considered that while the English foreman is in many respects superior to the German foreman, Germans possessed an advantage in chemical industries over the English, in the number of highly trained scientific men in Germany who are always available as foremen or superintendents of different departments. But there seems to be a considerable difference of opinion as to what kind of training is the best preparation for the scientific training so universally allowed to be essential. Professor Hofmann, the celebrated chemist, prefers the training of the gymnasium or classical school to that of the Real or modern school, although the pupils are taught chemistry in the one and not in the other. Dr. Meyer, professor of chemistry at Zurich, considers the classical preparation as effective as the modern preparation. Other authorities take a less favourable view of the influence of the linguistic preparation given in the classical schools. Thus, although there is a feeling that the special higher technical school could be dispensed with and its work done by the University, there is no idea that this higher education would be possible unless there existed a complete national system of secondary instruction, classical and modern, such as in England is entirely wanting.

Much evidence is given by the Commissioners to show that those who hold the higher posts in large industrial concerns have received in many cases a University education, and at least a school education, to fit them for it to a larger extent than in England. The high scientific training of employers and the heads of manufacturing establishments and the general good education of the poorest artizans excited the admiration of the Commissioners. They tell us that the proprietor and director of a dyeing establishment at Zurich had been a chemical student at the Polytechnic in the same town. He had afterwards served an apprenticeship at Lyons, and had worked in Paris and Manchester. And this they say is but one more instance of what was found by them in France, Italy, Switzerland, Germany, Austria, Belgium, and Holland, 'namely, that in every factory or industrial establishment of importance the directing skill was supplied by men who had supplemented a scientific education by foreign travel. These men generally know what is going on in the best manufactories in England and other countries. As a rule the arrangements of the newest and best of their factories and workshops, the efficiency of their machinery and their appliances for economical production, are as good as our own. In chemical knowledge the heads of depart-

ments in colour making and dyeing establishments are almost invariably superior to those of England, where Englishmen, only educated in England, are employed.' The Commissioners were told that scientific knowledge was indispensable for the highest posts, and for the lower only second to a thorough knowledge of work and the management of men. Colonel Hüber, proprietor of machine steel works near Zurich, sent his own son first to the local elementary school, then to the Real Gymnasium. Leaving this at eighteen he was to be in the workshop for a year, and then pass three years at the Polytechnic. By that time he ought to be a thoroughly qualified engineer able to take his place by the side of capable men of all countries. A foreman engineer who had spent some time in England was of opinion that the Englishman had more natural aptitude than any workman he had ever seen, and greater physical strength. But there was a great gap between the best English workman and the worst, and they do not shine out of their own country. A few years ago English workmen were largely employed in Swiss workshops; there is now scarcely one. When such are the results of education can we be surprised that no candidates for public office in Switzerland ever dare offer to cut down the expenditure on schools, but that on the contrary the promises of lavish expenditure on schools are always received with favour by the poorest of the ratepayers? It requires much courage in Switzerland to oppose the schools. In that free and democratic country education is considered by the rich as their safeguard, and by the poor as their most valuable heritage. The poor are all in favour of good schools; nay, so earnest are they upon this question, that they are determined that their schools shall be the best in the world. It is considered disloyal to oppose this resolve. Nor is there any class selfishness. The voters are ready to spend as much money on the schools of the rich as on those which they frequent themselves.

The Commissioners arrive finally at the conclusion, that great as has been the progress of foreign countries, and keen as is their rivalry with us in many important branches, taking the state of the art of construction and the staple manufactures as a whole, England still maintains her position at the head of the industrial world. But the progress made by continental nations during the last half century has been immense. When less than half a century ago continental mechanics began to construct railways and to erect modern

mills and mechanical workshops, they found themselves face to face with a full-grown industrial organisation existing in England which was almost a sealed book to those who could not obtain access to our factories (vol. i. p. 507). But the perfection of foreign manufactures and their progress since 1878 evidently astonished the Commissioners. They found much machinery of all kinds, produced almost equal in finish and efficiency to that of this country. In some scientific branches of industry, as in the preparation of colours from coal tar, Germany has unquestionably taken the lead of other nations. The introduction of ammonia in the manufacture of soda, and of strontia in sugar-refining, are the products of foreign ingenuity. In the practical development of electricity foreign nations are at least on a level with our own. The St. Gothard Railway and other great works bear testimony to the scientific knowledge and practical skill of foreign engineers. Lyons still maintains her old supremacy in silks, while Rheims and Roubaix run us hard in woollens. The ribbon trade in Basle, the velvet and silk trades of Crefeld, are new and vigorous creations, and these the Commissioners tell us are due not only to the better technical instruction of our foreign rivals, but to their higher cultivation, their knowledge of modern languages, and of economic geography. This marvellous outcome is due, if to any cause, to excellent special training based upon a substratum of sound secondary education such as does not exist in this country. If the continent has progressed so much in the last half century, it will not stand still in that which is to follow. The sceptre is still in our hands, although its possession is claimed by rivals. We can only maintain it by learning their arts, and by setting our house in order, without loss of time.

I have dwelt at this length on the commercial aspect of this question because it is the argument most likely to have weight with a commercial country, and because the report of the Technical Commission is likely to give it especial prominence. But there are other considerations equally urgent. England is the small nucleus of a vast Empire. The greatness of England depends more than anything else on the quality of the men and women whom it produces. Our families are scattered over the world, often each member of them a centre of order, of industry, of civilisation to some dark waste of savagery. It is especially important that a nation on whom the imperial mantle of Rome has fallen, should do its very best with the material it possesses, and should take care that nothing is lost of the talent and

capacity committed to it. Yet with our present deficiencies in secondary education how many men of genius or of remarkable talent are lost to us through want of opportunity? It is a shallow philosophy which concludes that genius will always make its way. Sometimes it does surmount obstacles which appear invincible, sometimes it perishes in the first assault and leaves a name to point a tale of pathos. While the few are heard of, the many perish unrecorded. Even were we sure that genius is guarded by a special providence, we are not so rich in trained ability as not to wish it multiplied many fold. Yet compare the present lot of a poor boy with strong intellectual tastes in an English town with that which we find it to be in some more favoured lands. In many a German city the son of a small shopkeeper after receiving a gratuitous education in the elementary school, an education from its earliest rudiments more bright, more varied, more scientific than our own, will pass in due course to the classical or to the modern school. Here he will receive for a very small sum, varying from 3*l.* to 15*l.* a year, the very best education that Germany or any other country can supply. If he have the tastes of a scholar he will learn Greek, Latin, Hebrew, French and English, a certain amount of Mathematics and Science, History and Literature, and he will have to pass a searching State examination which will guarantee to the parent that time and expense have not been wasted, and that he has really learned what his masters have professed to teach him. He will be fitted to move on to the University and will be prepared for the highest honours, with no more expense than a modest household can afford or can easily be supplied by charitable or public funds. If he is intended for commerce, besides the groundwork of a liberal education he will learn to write and speak several modern languages. He will receive a practical training in accounts, so that he will be ready either for the special instruction of the technical school, or he will come to England and be welcomed as a clerk in preference to our less educated countrymen. Nor is this all. His town is almost certain to possess a museum or a picture gallery where his taste will have been trained from his earliest years, while education in art has formed a special part of his instruction at school. A cheap theatre will have familiarised him with the masterpieces of Shakespeare, of Goethe and of Schiller, or with the operas of Mozart, Beethoven and Wagner. He will have spent his holiday evenings in listening with his family to the best music in Europe, and thus while his mind

has been cultivated he will have received the tincture of a taste for rational amusement which will fill up with healthy contemplation the waste spaces of his life.

An English boy similarly born has none of these advantages. It is not every town that possesses a grammar school, and the entrance is often barred to the poor. Some years ago I delivered a course of University extension lectures in a cathedral town to a large class of men and women. An examination was held after the course, and the first place was taken by a poor lad whose father, an artizan, was unable to do anything for his education. With the help of others I raised a subscription of 35*l.* a year, and he was sent to the town grammar school. Some years afterwards he obtained an open scholarship at the University, but a further subscription of 100*l.* a year had to be raised to send him there. Chance charity of this kind can be no substitute for a national system which provides to every boy the education for which his abilities fit him. Who will subscribe to many of these cases, or who will take the trouble to collect subscriptions? At my own University of Cambridge I have known many men who have become Fellows of Colleges and have attained distinction in different walks of life starting from the humblest origin. But these cases, which are often quoted to show that there is a career open to talent, have taught me a different lesson. The instances of which I have investigated the details have been such accidents, and yet their success has been so marked, that I have been drawn to think rather of the tens who have failed than of the units who have succeeded, and of the ore which lies buried in our social strata rather than of the bright coins which circulate from hand to hand. If a field of coal or of some other mineral lies unworked and unused, yet it is always there. It may be kept for some future age when its wealth will be more needed, and posterity will bless the prescience and parsimony of their ancestors who refrained from using it. But the human mind is born and lives and perishes. If it is unenlightened it passes away into its native darkness. We lose not only all that it might have given us of itself, but the enlightenment of other minds which would have drawn illumination from its brightness. By not educating our masses according to the measure of their capacity we squander both principal and interest. We cast the 'one talent which 'tis death to hide' into the depths of the ocean, and cannot produce it when called upon for an account.

I hope I have said enough to show the need which exists

in England of an organised system of secondary instruction. I will now pass to the consideration of the best means for supplying this deficiency. We must take a new departure and adopt a different method to that which we have followed up to the present time. The Schools Inquiry Commission and the Executive Commission which have followed in its wake have confined themselves to considering how the most could be made of old endowments. Even if this scheme were to succeed beyond the hopes of their promoters, the supply of schools would not be equal to the demand. The ancient grammar schools of England if utilised to their fullest extent would not adequately satisfy the educational needs of the country. They are often situated in districts which have little need of them, they were founded at a time when the population of England was thicker in the south than in the north. Nor are they of the most efficient type—the strongest objection to them is that they are in many instances boarding schools, whereas a national system of secondary education must be a system of day schools. The tendency which exists in every rank of English society to imitate the highest, has inclined philanthropists of late years to found middle-class boarding schools after the pattern of our great public schools. These can only fill up a very small gap in the void. Boarding schools must always be expensive. It will always be cheaper to feed children at home than to pay for them away from home. Nor can boarding schools ever be as favourable to study as day schools. The grouping of large masses of children together gives rise to difficulties of discipline which are most easily met by an undue encouragement of games. The exaggerated development of athletic exercises which has grown with the overgrowth of our public schools, tends to enfeeble the love of intellectual activity which is natural to a child of vigorous and healthy mind. The love of literature and the maintenance of a high ideal is preserved with difficulty under these conditions, and valuable time is wasted. But above all, a boy who frequents a day school is not separated from the companionship of his brothers and sisters. The unity of the family, the foundation of social morality and happiness, is preserved unbroken. The more delicate virtues of manliness, of industry, and of high endeavour are less likely to be impaired, a generous self-confidence is engendered, the truest form of manliness, a confidence too often crushed out by the tyrannous public opinion of a large school. We must commence the task of placing ourselves on an equality with other nations by determining that in every

town in England of a certain size there shall be at least one school where for a very moderate charge an education of the classical type shall be given equal to the best which the country can supply, and that by the side of this, either in the same school or in a separate establishment, according to the population of the town, there shall be facilities for passing a curriculum of modern education which shall fit a man either for a commercial or for a scientific career.

I may be permitted before an audience such as I am now addressing to enter more into details. If I had to sketch out the items of the education to be given in such establishments as I have desiderated I would go to Germany for an example to imitate—not from any inborn partiality for Germans, nor from a desire to transplant German methods bodily into English soil—but from a conviction that in Europe human nature is after all very much the same, and that Germany has worked out more fully the problems which we are now attacking. What do we find in Hanover, a country strongly resembling England and long under the same government? A typical day school of the higher class is divided into six classes or forms, of which the sixth is the lowest. Throughout the whole school the hours of attendance are thirty-two in the week. In English day schools they probably do not exceed twenty-six or twenty-eight. In the two lowest classes three hours a week are given to religious teaching, three or four to German, nine or ten to Latin, three or four to history or geography, two to natural history, four to mathematics, and two to drawing. The lowest class, the sixth, gives four hours a week to history, which is reduced to two in the fifth class, and the fifth class devotes three hours to French which is not taught in the sixth. After the fifth class, presumably at thirteen or fourteen years of age, a choice is allowed. A pupil may proceed either to the classical or to the modern side. If on the classical side, he devotes two hours a week to religious instruction, three to the study of his own language, a subject so generally neglected in our own schools, about nine hours to Latin, six hours a week to Greek, and two to French. History and geography, natural history and mathematics remain as before, except that in the highest class time is found for natural science. In the two upper classes English becomes a compulsory subject. Hebrew is imposed upon those who are intended to be theologians or professional scholars. The course taken on the modern side is slightly different. Greek is not taught and only four hours a week are given to Latin.

French receives four hours instead of two, and English carried throughout the course about the same, six hours is devoted to mathematics and science instead of four, and drawing is continued which is dropped on the classical side. Besides this two hours are devoted by every pupil throughout the school to singing and gymnastics. This large and generous programme is more extensive than that supplied by the best of our public schools. There are twenty of these *Gymnasien* in Hanover to an entire population of about two millions; or, strictly speaking, one to every 106,000 of the population. Besides this there are *Progymnasien* or classical schools of a lower grade in which religion, German, geography, writing and arithmetic are taught in the lowest forms, and in addition to these subjects, Latin, French, English and drawing in the higher. Greek may be learned in the highest form, singing and gymnastics are common to all. There is yet another class of school, the *höhere Bürgerschule*, which does not rank as a gymnasium, in which German, French, English, Latin, mathematics, history, geography, science and drawing are taught to children destined for commercial pursuits. To place our schools in a similar position with Hanover we ought to have in England above two hundred and forty of these highest forms of public schools, whereas the whole number of schools of all kinds submitting themselves to the inspection of the Oxford and Cambridge joint Board is very considerably under a hundred. It may be calculated from other *data* that the number of schools in England equal in rank to a German gymnasium does not exceed eighty. The expense of these schools is moderate compared with our own. In Hanover it is high for Germany, 22*l.* 10*s.* a year, whereas in Hamburg in the celebrated Johanneum it is under 10*l.* a year. I once met a prosperous German merchant, resident in England, who complained to me that he could find no school for his son in this country which would cost less than 100*l.* a year, whereas his whole education at the Johanneum at Hamburg, including modern languages and science, which had been most useful to him in his business career, had cost his father less than 100*l.* altogether.

The first step to be taken is to establish such new schools as are required, the second to provide for their continued efficiency. The gap cannot be adequately filled unless the principle be accepted that it is just as much the duty of the State to provide secondary as it is to provide primary education. A comprehensive Act of Parliament must be passed

which, while it gives every encouragement to existing agencies and to local energy, yet insists that within a certain limit of time the necessary schools shall be forthcoming. The lines of the primary Education Act of 1870 should be followed, modified by the experience which that Act has taught us. The whole country should be divided into districts, whether conterminous or not with counties—each district should have its educational council, which should be in communication with the central department of Education in London. Certain rules should be laid down determining what amount of school accommodation is necessary in each district, whether of the classical or of the modern type. When this accommodation is not supplied by existing endowed schools, or by certificated private schools, the deficiency should be made up by an education rate. It does not appear desirable that the education given in these schools should be gratuitous, but it must not be expensive. Nor can it be hoped that schools of this character will be self-supporting. The buildings at least must be provided from other sources than the school fees, and the head master must have a fixed salary, although it may be desirable that his income should depend to a considerable extent on the fees paid by his scholars. Facilities should be given for the transfer of existing charitable endowments to educational purposes, and for the removal of endowments from places where they are not required to places where they are sorely needed. The best pressure which can be applied for this purpose will be the fear of the school rate, which should, except in the case of large towns, be made to extend over the whole county or district, and be used for the creation of schools for all classes alike. I do not say that the whole expense of these schools should be borne by the fees, the endowments and the rates. Some contribution, even a large one, may be expected from the imperial exchequer, whether it be given in the way of payment by results, or as endowment for masterships, or as contributions to building. The time will come when the amount contributed by the budget to the expenses of national education will be considered as an index of national prosperity.

It is not enough that such schools as I have indicated should be merely established, they must be periodically inspected and guarantees must be given of their continued efficiency. There may be some difference of opinion as to what form the inspection should take, and whether it should

be entrusted to the Government or to the Universities. If a rule was laid down that a certain amount of accommodation for secondary education must be provided in proportion to the population, Government inspectors would have to ascertain that this regulation was complied with. Public opinion would probably prefer that the inspection of education should be performed by the Universities rather than by the State. The Universities execute a great deal of this work already. The University of London is entirely an examining body; it was calculated some few years ago that the University of Cambridge examines seven times as many students as it teaches. But neither the joint examinations of Oxford and Cambridge, nor the local examinations, supply the requirements of University inspection. The Oxford and Cambridge joint Board give certificates which were originally intended to resemble the *Zeugniss* or testimony of efficiency which every German boy must obtain if he wishes for advancement in any profession. The University certificates have never held this rank; they are awarded on very various grounds, they are frequently obtained by boys who have already won them, they are of little use to their holders even at the Universities. They may to some slight extent have improved the education of the public schools, and have staved off the evil day of Government inspection, but they are too often used as mere advertisements, while they offer no real test of comparative efficiency. The local examinations, excellent as they are, rather tend to encourage the undue fostering of the better boys and the neglect of the weaker. What is required is that every boy who claims to have received a liberal education shall undergo an examination which shall not be competitive, but shall be a fair test of average work. It should, the Schools Inquiry Commissioners tell us, as far as possible follow the Prussian rule, and be such as 'a scholar of fair ability and proper diligence may towards the end of his school course come to with a quiet mind and without powerful effort.' There is no reason why the Universities should not conduct such an inspection, but it would be best done by a central board in which all the Universities should be represented. The older Universities are too apt to follow the lead of the schoolmasters, and rather to do what they are asked, than to take an independent line, and lay down with authoritative firmness what the limits of a liberal education should be.

Another necessity of a reformed educational system lies in the better appointment of masters. Nothing can be more

cumbrous or unsatisfactory than the present method of appointment by large governing bodies with the assistance of testimonials. The process of obtaining testimonials is very disagreeable to a sensitive nature, and if the process has to be repeated every time a teacher wishes to obtain a post of value or distinction it becomes indescribably painful to himself and his friends. Again, few governing bodies are wisely constituted. Some are composed of such inaccessible summits that they resemble Mont Blanc, Monte Rosa, and the Jungfrau, sitting in solemn conclave; others contain elements so petty and local that a good candidate would scarcely wish to submit himself to their decision. Few, if any, are composed to any large degree of educational experts, nor do they command the confidence of the best educational opinion. It would be a bold innovation, but I should myself prefer to see all appointments, both of head masters and assistant masters, made by a central educational department. If this was the duty of one or more permanent officials, controlled by a watchful educational opinion, it would be well done. In the case of assistant masters the opinion of the head master might be asked. There is no greater mistake in English education than that which regards the head master as alone responsible for the conduct of the school, and allows him to appoint and dismiss assistants at his pleasure. Our continental neighbours believe with difficulty that under such a system we have any public schools at all. If a school have a continuous life and spirit, it resides quite as much in the staff as in the head. The essence of a profession is security of position, and teaching in England will never be a profession until subordinate teachers cease to hold their appointments at the pleasure of their chief. A graduated system of promotion, impossible under present arrangements, would not only give hope to every one who undertook the occupation of teaching, but would serve to separate men who could not work together, and to remove a man from a position in which he was failing to one in which he was more likely to succeed. There is, however, no reason to adopt at once so drastic a measure as delivering all appointments into the hands of a Minister of Education. Centralised Germany affords us many examples of very diverse methods of appointment which we could easily imitate. It may be hoped, however, that in any change which is made, Governing Bodies will disappear.

If such schools as I have sketched are to be established over the country some steps must be taken for the training

of teachers. We are not yet sensible how necessary this is to the conduct of an efficient education. We hear a great deal at the present time about over pressure in schools. Be assured that, in nine cases out of ten, overwork is merely another name for bad teaching. If the human brain be properly exercised, if learning be duly graduated, and given in a bright and intelligent manner, the brain will rather grow and develop by exercise than wither or waste from undue fatigue. Yet head masters are so little conscious of this truth that efforts made by the University of Cambridge in this direction have met with little or no support from them. Six years ago the University undertook the training and examination of teachers, at the request of the head masters, and they have steadily carried on this work, yet very few students are found to enter for the examination, and the candidates consist, to a large extent, of women. The head masters do not put pressure on their assistants to pass the examination which was established at their own request, nor do they as a rule attach sufficient weight to it to induce undergraduates, who are preparing to be teachers, to enter for it. Yet why should teaching be the only occupation in which no preparation is needed? The special training which is given to clergymen, to lawyers, to doctors, does not of itself fit them to be expert practitioners; but no one now dreams of devoting himself to the practice of these professions unless he has undergone some theoretical training to prepare him for the work. The State registration of teachers is a crying want, and one condition of this registration should be an evidence that some professional training has been undergone.

I must now draw to a close. It seemed to me that, called upon to speak on the subject of education in the great city of Birmingham, the city which, by the establishment of the Education League, gave the first impulse to the passing of the Education Act of 1870, I could not do better than devote the time given to me to pointing out the very great want which lies before us, the organisation, or, I might say, the creation of our secondary education. I have been able to touch upon a very few aspects of the question. It is to my mind the most pressing question in the whole political horizon; it is connected with social questions of the most momentous character which at first sight seem to have little to do with it. The depopulation of our villages, the dull routine life of our country labourers, who have improved very little in the last half century, the backwardness of our

agriculture and its inability to cope with new conditions, the sordid squalor of our towns, the absence of the higher pleasures, the addiction to vulgar merrymaking which is the parent of lust and crime, the estrangement of classes, the idle luxury of the rich side by side with the ignorant toil of the poor, the strife between capital and labour, bred in ignorance, nurtured in prejudice, do not all these show us that the mass of our nation requires a great intellectual lift, which shall form a solid foundation for special instruction, make rational enjoyments possible for the multitude, and knit the bonds of sympathy between man and man? Two centuries and a half ago England was subjected to the great intellectual stimulus of the puritanical movement. The deepest questions of theological dispute were brought home to the mass of the population, and their minds were trained to discuss the subtleties of incarnation and redemption, predestination and free will. Milton, the poet and prophet of this movement, was also the seer of a great intellectual revival. The result did not answer to his hopes, but the frivolity of the Restoration did not shake the earnestness of the masses. In thousands of our cottage homes the Bible is the one source not only of spiritual but of intellectual life. The ordinary middle-class Englishman cares for Athens because St. Paul preached there, for Rome because St. Peter was imprisoned there. He will take interest in the ordnance survey of the Holy Land, and leave the Germans to survey Attica. He cares not who excavates Olympia, but he takes some interest in the shrine of the great Diana of the Ephesians. Would the discovery of Nineveh and Babylon have excited so wide a curiosity if it had not, according to the common parlance, confirmed the truth of the Bible narrative? We doubtless owe to this, that England is the most religious country in the world. But culture, we are told, consists of two factors, the Hebraic and the Hellenic. Is it not time that we should turn to Hellenism, the other great factor of civilisation, and see whether that force is not able to elevate a gifted nation like ourselves into a higher plane of being? For what are schools but the depositories, the fountains of that sweetness, light and reasonableness which the modern world owes to ancient Greece?

Fifteen years ago the twenty-one volumes of the Reports of the Schools Inquiry Commission taught those who cared to know that we had no system of secondary education in England. 'There is no public inspector to investigate the

educational condition of a school by the direct examination of the scholars, no public board to give advice on educational difficulties, no public rewards, except those distributed by the Science and Art Department, hardly a single mastership in the gift of the Crown, not a single payment from the central government to the support of a secondary school, not a single certificate of capacity for teaching given by public authority professedly to teachers in schools above the primary schools. In any of these senses there is no public school and public education for the middle and upper classes.' At this moment a Technical Education Commission is telling you that although England still maintains her supremacy in manufactures and commerce, other nations have been advancing by giant strides, that they are already abreast of her and may soon outstrip her unless she follows their example by establishing a completely organised and enlightened education for the masses of the middle class. I trust that we shall not be deaf to this second appeal, but that Birmingham, whose interests are so intimately connected with commercial prosperity, will apply its practical good sense and its political enthusiasm to the solution of the problem, and by the establishment of a league for secondary education, or by some other means, lay yet another debt of gratitude on all Englishmen of light and leading.

Address

ON

HEALTH.

BY

NORMAN CHEVERS, C.I.E., M.D., F.R.C.S. Eng.,

PRESIDENT OF THE HEALTH DEPARTMENT.

Health in England.

IT may have appeared singular to many of those whom I have now been allowed the great honour and pleasure of meeting and addressing for the first time, that one who has worked so long in the East as to be almost a foreigner and quite a stranger should presume to occupy this chair and to speak to you authoritatively upon English sanitation. My excuses, if any be needful, are that I stand here by invitation; that I have been a sanitary student for more than forty years; and that, during two lengthened periods in that term, I have paid close practical attention to the subject in England, while, in India, I was one of many who carried on steady warfare against a death-rate which, even now, under improved conditions, is, at the very least, twice as heavy as your own. It is perhaps well that the sanitary system practised in these dominions should, from time to time, be reviewed by men of chequered experience whose opinions are not trammelled by that party bias and those personal interests which are the most formidable bars to our sanitary progress.

I have said, your 'Sanitary System'; but pardon me for inquiring: has your sanitary practice, in reality, that large, effective, organised, and scientific command in operating—that power, not only in the lecture-room, but also in the State—which would assert for it the dignity of being recognised as a validly working system of public health?

A foreigner, or one who has been long expatriated, enters one of your model cities; he attempts to draw a full breath; he looks upward, and tries to obtain a glimpse of your sky; he becomes aware of a singular combination of odours; his eye ranges sideways along a double row of human dwellings; he glances over a bridge at the river water; he notices the complexion of the inhabitants; he coughs and sneezes, and perceives that his hands have suddenly become black; and then he asks himself: Can these worthy, self-satisfied people seriously boast that they exist under a sanitary system? He then begins to make inquiry, to observe matters by the aid of eye and nose, and to search official reports and the public prints. If he commences his course of reading at a time when the popular mind begins to feel uneasy in apprehension of the advent of a great pestilence, all the better. On such an occasion local self-confidence is shaken and babbles, popular belief in the omnipotence of the 'System' begins to waver. At such crises, the curious inquirer will meet with such reports as these:—

'ENCOURAGING CHOLERA.—The condition of the River Thames is causing much alarm. . . . . On Sunday the water was nearly black, and had a most offensive odour. . . . . It has been proposed, as a temporary expedient, to deodorise the sewage at the two great outfalls in Barking Reach.'[1]

A few days later, the Conservators of the River Thames report: 'During the last few weeks the river, for some distance both above and below the sewage outfalls at Barking and Crossness, has been in a very foul condition.'[2]

Earlier than this,[3] members of the Woolwich Local Board of Health had spoken of the river as 'a volume of putrid sewage.'

Before that month was out, a correspondent of the *Times*[4] wrote: 'However objectionable, from a sanitary point of view, certain portions of the Thames may have become, the condition of its tributary the Lea appears to be even worse. The latter is, in fact, an open sewer. Last evening I walked along its banks, and was almost overpowered by the disgusting stench.'

Hear what England's greatest living sanitary authority has frequently said during a long working lifetime, and has lately repeated, regarding the, it is to be feared, permanent state of the sewage of London, and then gauge, by these

[1] *Daily Telegraph*, July 8, 1884.
[2] *Ibid.* July 26.
[3] *Ibid.* July 9.
[4] *Times*, July 24.

data, the difficulties which have, for half a century, beset the first of our special questions: *What is the best method of dealing with (a) town sewage, (b) the products of house and street scavenging?*

The sage whose authority I have cited speaks thus of the drainage of England's metropolis: 'Of its damp sub-soils, of sewers that are extended cesspools, of two-thirds of its houses badly drained, of conditions of water distribution that make good supplies bad and bad supplies worse, of ill-cleansed and foul-smelling streets, of over-crowding and slums.'

Within the last few days he has spoken to us[1] of 'the great outfall sewers of the metropolis, which are vast extended cesspools, which give off foul gases into houses as well as streets, which have assailed the Government offices, and recently the Houses of Parliament itself.'

A few weeks ago we were told[2] that Sir F. Milner had given notice that he would inquire in the House of Commons whether attention had been called to the terrible smells in the neighbourhood of Covent Garden Market, and that he would insist upon some vigorous steps being taken to cleanse 'this filthy and dangerous quarter.' Potently existent as many of the evils declared in such newspaper paragraphs as these undoubtedly are, they are too generally allowed to fester on undisturbed until some occasion of popular alarm arises. Their public denunciation, at this crisis, is merely an expression of cholera panic. A clever inspector-general of Indian gaols, being asked what good was effected by his annual visitations, is said to have replied that it insured thorough cleansing of the prisons at least once in every year. Let us trust that, here in the United Kingdom, an occasional alarm of cholera will, like the little doctor's inspections, lead us to a prudent, though late, recourse to plentiful ablution and clean-sweeping in our towns and dwellings.

Less than a month since, it was reported[3] that twenty-eight summonses had been adjudicated upon against the owners of certain insanitary houses in a London suburb, for 'permitting the dwellings to be in a filthy and dilapidated condition, in most cases with foul drainage, so as to be unfit for human habitation.' Will those who have come to this

[1] *Precautions against Cholera*: an address by Edwin Chadwick, Esq., C.B., delivered at a meeting of the Association of Public Sanitary Inspectors, August 11, 1884.

[2] *Daily Telegraph*, July 7.

[3] *Ibid.* August 20.

place intent upon finding a decisive solution to our question, *What are our best means, legislative or other, of securing those improvements in the dwellings of the poor which are essential to the welfare of the community*? vouch for the perfect wisdom and validity of that municipal law, founded as it is upon the accumulated sanitary experience of the last five decades, and on various Acts of Parliament, which sentenced the owners of those slums to carry out the needful sanitary works, and to pay *four shillings costs* in each instance?

Still, again, when it is seen, in a late report upon the sunshine records of 1883, that 'the south coast of England had twice as many sunny days as the metropolis'; and when I recollect that, in my student days, we used to say that the sun never shone in Glasgow except on Sundays, when the great smoke canopy sometimes thinned,—those who are strangers to our work will notice that we did not set ourselves an easy task in inquiring, *What is the best method of dealing with the products of combustion*?

No power of concentrating language would enable us to detail, within a space of twenty minutes, even a bare list of the grave sanitary shortcomings which every stranger must perceive within a week after he sets foot on British chalk. I must only attempt to make little more than bare allusion to a very few of the most salient of these defects. Precedence may be given to a question which is sufficiently designated by the title *Our Slum Death-Rates*. One of our leading subjects for inquiry is, *How far may the average death-rate of a population be considered an efficient test of its sanitary condition*? To this it would be difficult to reply without entering into a little detail. That fashionable and delightful resort, Bilge-Water-on-the-Silver-Sands, is reported to 'enjoy,' to borrow a phrase from its only undertaker, let us imagine, the very exceptional death-rate of ten in the thousand. This singular phenomenon in vital statistics is revealed by an elaborate calculation, and is attributed to a variety of causes, which include the fact that forty-nine fiftieths of its salubrious area are occupied by the Riviera Roads, N., S., E., and W., Engadine Square, Crescent, and Parade, and that vast and sublime district the Mount Olympus Estate. Here the mortality-rate of each family is about the same as it would be if they spent one half of the year in a yacht and the other in a Highland palace; but what death-rates prevail in the few remaining lanes of the old smuggling village, Fish Alley, Wash Tub Court, and Blockade Man's Corner? With only an alteration of names, I will give the data as I

find them recorded in the published reports of unquestionably high sanitary authority, which I now hold in my hand. The mortality-rate in the Fish Alley group (some call it 'Stinking Fish Alley') is not ten, the general town-rate, but has been reported by the eminent Health Officer as 45 per 1,000 for the last twenty-nine years. Dr. —— writes,—I cite his report to the Borough Authorities *verbatim*, the names only being changed:—'Calculated on population enumerated at the inspection, the death-rate of the group from all causes, during 1873, was 46·6 per 1,000, ranging from 21·0 in Section C (Smuggler's Point) to 84·4 in Section D (Fish Alley), Blockade Man's Corner being 44·5, and Wash Tub Court 48·7.'

'Yes,' it may be said, 'this is unavoidable; the men and women of the "court" and "alley" are a low lot—always drinking.' 'True,' is the reply, 'let us take, then, the most demonstrative of all slum mortality-rates, the death-rate of the poor little children under five, who never "drink" and seldom eat.' The Health Officer reports that, at Blockade Man's Corner, which is a comparatively airy locality, the deaths of young children to total are 31 per cent.; in Wash Tub Court they are found to be 64 per cent. It appears to me that, in all future returns, the statements of Slum Death-Rates cannot be too strongly accentuated. 'It will never be happy in England' until we have these rates painted in red letters, with the plague motto, *Lord have mercy upon us!* over the door-way of every condemned house, as long as the besom of improvement fails to sweep it away for ever. 'Ah,' exclaims the chairman of some self-governing Local Board (I never see the advertisement of the new 'self-guiding baby carriage' without thinking of some of those old self-directing boards!)—'Ah, you must not give our town a bad name!' Yes, so it is, even while we stand here, that, immediately the immaculate sanitary purity of any place, however open to just criticism it may be, is questioned in a spirit of truth and philanthropy, out rushes some maddened authority, whose utter abandonment of self-command is plain evidence that he has been very hard hit indeed, yelling maledictions in which 'liar!' and 'calumniator!' are the only articulate sounds. But, despite of, and indeed very much in consequence of, such occasional self-interested assaults as these, inquiry will go on; and, in proportion to the exactitude with which you may be able to gauge the *Slum Death-Rates* and their causes, and especially the *Death-Rates of the Little Children of the Slums*, will you succeed in giving a practically

satisfactory reply to the third of the questions which we have been called upon to debate, *By what means can the high death-rate of children be reduced?*

The subject is very large, and is of such extremely grave importance that it cannot be treated with anything like full consideration in a few paragraphs; still, I must not proceed without stating the *infantile death-rates* which, at the present moment, demand for their mitigation the fullest exercise of our sanitary power.

These rates have been given, for children under one year, in Farr's English life table cited by Mr. Noel Humphreys, as 165·6 per 1,000 living at that age; then, under five years,[1] as males 71, females 62 *per mille*. Speaking on this subject a few months ago to one of our highest authorities on vital statistics, he said, 'under some circumstances, the infant mortality is eight times as large as the ordinary rate.' During the last eight years, the mortality rate of soldiers' children in India has ranged from 50·26 *per mille* in 1882 to 79·73 in 1878.[2] It is a generally recognised fact that the English mortality death-rate is rendered high by the extreme unhealthiness of the slum children. This is illustrated by the comparative lightness of the death-rates of soldiers' children at home, which, in the four years ending 1880, were 24·08, 28·41, 26·86, 30·28,[3] against 71 and 62 among the infants of the general population. These ratios, however, are not strictly parallel, seeing that, both in India and in England, the soldiers' children are of all infantile ages.

With regard to the death-rate of older children, in his presidential address at the meeting of this department at Aberdeen in 1877, Mr. Edwin Chadwick, sketching the sanitary history of two large poor-law institutions for the care of destitute orphan children, 'all the inmates of which, as a class, are of the most wretched type of children, all weakly and susceptible to disease,' states that 'the mean death-rates in these institutions have been steadily reduced to about 3 in 1,000, that is to say, to nearly one-fourth of the general death-rate of the children of the school ages, including the children of the well-to-do classes of the population.' He adds, 'It was recently stated, as evidencing the success of the "boarding out" system, that the deaths had not exceeded 2 per cent., and this probably may be taken as an average children's death-rate for the cottage—that is

[1] Dr. Beddoe, art. 'Mortality,' '*Quain's Dictionary*.'
[2] *Sanitary Commissioners' Report for* 1882. [3] Marston and Ewart.

to say, 20 per 1,000 as against 3 per 1,000 in the district orphan institution.'

Many of these infant deaths are, at present, quite beyond our means of prevention, as they depend upon hereditary causes. Still there can hardly be a question that it lies within the power of man to reduce our children's death-rate to less than one-half of its present standard. The chief remedial means at our command is the sweeping away of the slums. A few years ago, a benevolent lady, who does admirable work among the poor of East London, told me that, having taken a party for a summer day's excursion into the country, it was pitiful to witness the amazement of aged people at seeing, for the first time in their lives, the growing wheat. It is in the homes of such folk as these that measures for the preservation of infant life are most needed. Let us trust that the Royal Commission, which has long been engaged, under England's greatest sanitary leader, upon the question of 'Housing the Poor,' will take the slum death-rate, and especially the death-rate of the infants of the slums, as the basis of their practical conclusions. It must have occurred to many that, as full-growth and a strong constitution are the most needful endowments of the labouring man, a portion of the money now spent upon school education might well be bestowed upon the object of assisting the children of the poor to live healthily up to the term at which national education commences, by purifying the atmosphere of their dwellings, and by giving them, among other advantages, pure water, effective drainage, and smokeless playgrounds away from the gutters.

One of the peculiarities of English house construction, which is most irreconcilable to the ideas of a stranger who has long resided in the tropics, is that arrangement by which all well-to-do people have secured death as a perpetual dweller in their homes, thus providing that they and their children shall be subject to a high mortality rate. I speak of the *skeleton that lurks in all our cupboards*—the latrine on the lobby. 'What, a mere skeleton, a poor, quiet, harmless anatomy, whose worst vice is a tendency to clank and chatter a little when autumn drafts are abroad?' No; but only separated from you by a slender bar, a giant with a drawn sword, who may at any moment leap forth and slaughter your little ones! In the construction of new houses, the remedy is clear: the isolation of your skeleton-cupboards—diphtheria traps and plumbers' happy hunting grounds as they are—in detached towers. It is in the highest degree

needful that this measure should be made obligatory by the Royal Commission on the housing of the working classes.

I wish that I had time to emphasise the absolute contempt, the utter abhorrence, in which all honest workers in the field of public health must hold that most loathsome and futile of all vain conceits, Sanitary Brag. As if one engaged in mortal contest with the King of Terrors should pause every now and then and exclaim, smirkingly, 'That was a good stroke!' 'I had him there!' 'Aha, I have stamped him out!' Let us do our good work patiently and humbly, expecting fair success hardly and slowly earned; but, assuredly, pretentious quackery, dishonest assumption of power which we do not possess, will never effect the real triumphs of sanitary reform.

It may, perhaps, be said, 'You have spoken to us as a pessimist; you can see no good in our sanitary endeavours—the God-strengthened war of mortal man against inevitable death!' No, had I not believed with never-failing ardour in this Providence-granted sanitation, I should not have studied and practised it, lovingly and hopefully, for forty years. I should long ago have directed my attention to something more practical. No one esteems and glories in more appreciatively than I do the admirable work done in the past half century, by such sanitarians as Chadwick, Miss Nightingale, Simon, Sidney Herbert, Sutherland, Parkes, Gavin Milroy, Benjamin Richardson, Netten Radcliffe, and George Buchanan; but I recognise with painful clearness the disheartening fact that without powers, full almost to benevolent absolutism, the benefit conferred upon their suffering fellow-countrymen, even by such enlightened administrators of the public health as these, must always be very tardy in its advance and very narrow in its scope. Why, forty years ago the great sanitary questions which we are now assembled to discuss, especially the drainage and scavenging of towns, the combustion of smoke, and the diminution of our infant death-rate, were very nearly as advanced, *in men's minds*, as they are at this moment! I declare that I regard these old and most vitally important, but still absolutely undetermined, questions in that spirit of sickening wearied disappointment with which we may picture Sisyphus, doomed to interminable fruitless labour, as gazing upon the stone which, throughout eternity, he will never cease to roll up the hill obstruction. To use plain language, the discussion which we are carrying on here is not very unlike the talk which an old officer used to cite,

as being held when provisions fell short during a winter's cruise in the North Sea, of good things only to be enjoyed in a painfully indefinite future. I do not, of course, in any way undervalue the admirable work which has been done by many good men in many places, and especially at the meetings of this Association, now and in the last twenty-seven years, and which has still to be perfected, in treating great sanitary questions as matters of science and statistics. I merely insist, as all my predecessors in this chair have done, too often in vain, upon the necessity of persuading—would that I could say *of compelling*—the world's blockheads to act upon our scientific teaching. In a treatise on public health and vital statistics which I published two-and-thirty years ago,[1] I expressed a wish to strike those stolid faces, and I am not ashamed to say that the wish still exists in its original vividness.

Undoubtedly, sanitation attained the most valid good hitherto achieved for it when the honoured son of our beloved Queen became its leader; but, in this sublime, peaceful contest between wisdom and folly, light and darkness, divine science and brute ignorance, the *ratio vivendi* and the *ars moriendi*, over which assuredly none below the archangels will sit as umpires, much difficulty will have to be encountered by many able officers, and success can, I believe, be most effectually commanded by the adoption of a measure frequently advocated, and never, I think, with more judgment than by Dr. Theodore Williams, at a late meeting of the Medical Society of London.[2] I cannot hope to live to see the day, but I confidently anticipate that all who do will find that, in a very short time after the appointment of a Minister of Public Health, invested with great powers, against which all narrow self-interested opposition will be futile, and commanding large means, nothing more will be heard of sewage-poisoned rivers, smoke- and fog-blocked cities, or of public buildings and attractive suburban retreats constructed upon burial grounds, quagmires, or abandoned lay-stalls. They will also find that all the great questions which we have been considering here are undergoing practical solution, and that valid progress will have been made in carrying into effect these urgently needful public measures—the approximation of the death-rate of our mercantile marine to that of the Royal Navy, a most important question, upon which many, including myself, worked steadily ten years ago, but

[1] *Removable and Mitigable Causes of Death*, Calcutta, 1852.
[2] Reported in the *British Medical Journal*, vol. i., for 1884, p. 917.

which, at the present moment, appears to have fallen into undeserved abeyance; the publication of medico-topographical and sanitary reports for all towns and districts in the United Kingdom, a measure which I have lately advocated in the Epidemiological Society; the sanitary administration of our cities upon a uniform plan; and the reform and strict regulation of our systems of medical education and practice. Due regard will, doubtless, then be paid to the control of our charities for the sick, of some of which, as they were ruled in his time, an old writer said, 'They are like children with water on the brain, the limbs wither as the heads increase.' The attention of the State will probably then be directed to the reclamation of our marsh lands, the malaria of which is now the main factor in the causation of much grave English disease—nearly as 'stock' is the valid basis of most British soups, each being the ingredient by which the compound is made 'thick and slab.'

On one essential point we may feel confident. During the last ten months, I have heard from two competent authorities, speaking of two very important and quite distinct questions, the solution of which is needful for the public good, the expression, '*We shall never be able to get those statistics!*' Assuredly neither those nor any other statistics which he may think fit to demand will long be held beyond the grasp of a Minister of Health.

Duly empowered, Britain's Minister of Public Health will work, not as you are working now, struggling, decade after decade, for certain good ends which you can only hope, probably in vain, to achieve by another and yet another of those already innumerable Acts of Parliament, despite which every crime against sanitation is still paramount throughout the realm: he will be able to declare with confidence—*The public health of England is, at length, protected and administered by measures which worthily claim to be distinguished as* A SANITARY SYSTEM.

Address

ON

ECONOMY AND TRADE.

BY

VISCOUNT LYMINGTON, M.P.,

PRESIDENT OF THE ECONOMY AND TRADE DEPARTMENT.

THE proceedings of the Congress were opened by a President who treated a wide range of subjects with the highest authority as well as with the utmost interest, and Mr. Shaw Lefevre has been followed by three Presidents of Sections entitled to the same deference. I cannot hope to instruct, far less to rival, the long, and in many cases, the intimate acquaintance of many of my audience with the great group of subjects that may be said to cluster around the titles of Economy and Trade. I have carefully thought over the line of country which I might presume to take, and which is within the limits and traditions of such an occasion as this.

I think we may define Social Science as thought in action. So far, and so far only, as it teaches what is practicable and possible in a world of compromises is it of real value. I shall therefore associate the purport of my address with questions of present importance. It would be presumptuous in me—nor, indeed, had I the desire, would it be practicable within the limits of an address—to deal with questions in detail; and I must very earnestly entreat all who hear me to remember that the limits into which I must compress my remarks render it impossible for me to state the countless qualifications and explanations which the complicated nature of my subject demands. In the course of this address I shall hope to direct attention towards the

consideration of State Socialism—how far it is a real danger, and at what point State intervention may be said to become State Socialism. It is a cause of congratulation for you and for me that party politics are excluded from our deliberations here.

I'm weary, and sick, and disgusted,
  With Britain's mechanical din;
I'm sick of the whole race of spouters,
  Emasculate, misty, and fine.
They brew their small beer and don't know its
  Distinction from full-bodied wine.
I'm sick of the prosers that house up
  At drowsy St. Stephen's—aren't you?
I want some strong spirits to rouse up
  A good revolution or two.

Both of these questions will tend to create a revolution in political philosophy, and on this occasion, where it is our policy to deal with large tendencies, the limits of State interference and the extension of the Imperial idea claim our attention as the most interesting problems in the future of English politics.

While time forbids that I should attempt to deal with the question of how far trade follows the flag, it is worthy at least of passing notice that modern democracy, while inclined to exact from the State moral, personal, and even paternal functions, has repeatedly recognised its belief, notably in the recent meeting at St. James's Hall, of the highest conception of the State in its imperial capacity.

The increasing invasion of freedom of contract dates from the democratic Parliament of 1868. There were, of course, Factory Acts before; for, indeed, one of its most satisfactory effects which justified in a broad sense the early factory legislation contemporaneous with the first Reform Bill, was the improvement in the moral condition and attitude of the factory hands, severely tested by the Cotton famine during the American Civil War.

But it was alongside of the Second Reform Act of 1867, that an attempt was made by Parliament to extend the principle of protection from the cotton industry to all kinds of industries and workshops. The Reform Bill of 1867, which transferred the power in the towns to the working classes, gave the impetus to the movement for mitigating the effect of competition upon the health and morality of the workmen by State interference. The effect of the democratic element in our constitution has been to enforce the

restraints which previous legislation had conceded, and to extend its scope—as instanced by Mr. Mundella's legislation.

The democratic Reform Bill of 1867 was also the starting point whence interference with family life and parental authority received Parliamentary sanction, by making education compulsory. There can be no doubt that modern politics have hitherto moved in the direction of the substitution of the State for personal responsibility. We see many indications of the extension of this principle. It has been suggested that State money should be used to mitigate the insoluble difficulties of housing the poor in our great cities; that the State, or rather the Municipality, or the one acting in conjunction with the other, should advance money for the purpose of providing the working classes with houses. If we cast our eyes towards Ireland, where can we find more striking evidences of the growing belief in the capacity of the State to effect social happiness than in recent legislation, and above all, in the measure introduced by Mr. Trevelyan last session, which offered advantageous terms to enable tenants and others to become freeholders, through the agency of the State?

Whether we like it or not, the experience of the last fifteen years tells us that the pressure of the democratic element has been universal, that the distinction in its effect upon political parties is one of means and not of principle, and that it increases the area of State duty, and therefore of State responsibility. But herein I might notice, in passing, a serious practical difficulty. Except where the powers of self-government are developed, public money at present implies Government inspectors, but the temper of the English people will ill brook the fussiness and meddling of the agents of a central government. The consequences in country districts are certainly, and elsewhere probably, that either the inspection is honestly done, which means high pay tempered by great unpopularity, or that the inspection is allowed to slide by an easy-going but popular inspector. The demand for further doles out of the public purse will, I believe, happily be restrained and tested by the necessity which it involves for enlarging the army of inspectors already numerous, and to many minds like a swarm of locusts that have overspread the land. We cannot regard political economy as a religious principle. On the one hand, there is no wit in our assuming professions of political economy to the exclusion of practical politics; on the other hand, political economy will revenge herself if we heedlessly banish

her articles to the exclusive study of those lofty intelligences which presumably occupy the realms of Saturn.

From the earliest times, in some form or other, property has in this country recognised by law the natural claim of the poor. When the old feudal system, which was eminently paternal and implied the responsibility of the landowner for those living on his land, passed away to be replaced by the commercial system in which land was no longer the only source of wealth, the State, or rather the community through the poor law, not only acknowledged the duty of feeding the destitute, but maintained by out-door relief the family life of the poor. Herein, then, the rigid formulas of political economy are in conflict with the higher duties of a civilised state. If I have read rightly, the meaning of many poor-law conferences is to abolish out-door relief, and make the workhouse test the only test: against such opinions logic is dumb. Every argument of political economy condemns out-door relief. But, on the other hand, the higher considerations of statesmanship, the experience of other countries and of this country should make us pay a high debt of gratitude to the English poor law. England passed tranquilly through the long war with Napoleon, she overcame the influences of the French Revolution, and the revolutionary and socialistic theories of that time, because her people were well fed. When the rights of property were swept away by a tide of anarchy and violence in other countries, English people respected the law and property, because the one maintained what the other fulfilled.

The existing regulations under the administration of the parish guardians, who are the poor man's immediate neighbours, and best acquainted with his situation, are, I believe, sufficient to restrain the abuse of out-door relief.

But if you abolish the right of affording out-door relief, you would in these days of acute competition, and of great contrasts between enormous wealth and extreme poverty, incur the grave risk of endangering the institution of property by separating its abstract rights from any charitable duties, and forcing into one class the unfortunate and the bad. Here, then, political economy speaks in one voice and political common sense in another. And this conflict of theory and experience proves the practical necessity, in the government of mankind, of modifying the one principle by the other. It is by this just balance that statesmanship in perilous times can exercise the courage while it preserves the calm of conviction. To understand

the increasing tendency of popular opinion in looking to the State for assistance, we should remember the real secret of the motive power.

Movements in this country can hardly be appreciated by any other than an English mind. The German mind, although of similar origin, through a difference in education, in political habitude, and a variety of influences, does not resemble ours in its seeking in political tendencies for a mental and intellectual cause, and in its anticipation of some logical and almost mathematically precise conclusion. But in England the motive power in favour of State intervention has been moral and not political—so that each movement against *laissez faire* has not owed its effectiveness to having been carefully weighed and finally accepted as an act of expediency.

In almost every case the victory of the principle of compulsion over that of natural liberty, as Mr. Goschen has said, could never have been gained except by moral force.

Nothing struck me as more remarkable during my visit to the States, as affording a fundamental difference and basis of political action between the English at home and the Anglo-Saxon race across the Atlantic, than the greater strength of the philanthropic and sensitive element in the old country. The same reasons—a complex society, the pressure of population, the very limited area of land, and the traditions of feudalism in its charitable sense which produced and necessitate our poor law—make it also impossible for the public to stand aside when calamities occur, and not to insist upon satisfying its conscience by direct action.

That this is so we need only turn our eyes towards the questions of the hour—questions of a social character interwoven with moral considerations, which popular feeling is seeking to handle through the agency of the State. In recent Irish legislation we have a most remarkable instance of State intervention in the most delicate and difficult of all tasks—the adjudication of the proper distribution of the product of land and labour. Here was an invasion—a gigantic invasion of every principle of political economy and of economic science. What, we may ask, produced it? Political necessity? yes; but political necessity acting under the influence of moral feeling. It was the Irish cottier of the West, the sympathy for him against an excessive rent, and indignation at cases of his cruel eviction, that justified in the sight of public opinion the adjudication of rent by the State; while, curiously enough, it was others, and

not the cottier, whose economic condition was impossible, starving with a large family on a miserable plot, and clinging to the soil through hopelessness and ignorance, for whom the sacrifice of an economic principle was to become a benefit. Again, to revert to Ireland, whatever criticisms can be passed upon the details of the proposal introduced last session by the Government, to enable Irish tenants and others to become freeholders, a very remarkable extension of State duty is implied.

The value of social science is certainly of special importance at the present moment, for we are passing into a period when political controversies, while vital perhaps to the race of politicians, are far less vital to the nation at large than the statesmanlike handling of social questions.

> 'How small of all that human hearts endure,
> That part which kings or laws can cause or cure.'

These lines are not only true in themselves, but true also as the expression of what is higher behind, of divine mysteries beyond the ken of human capacity, to which the precision and the smooth chronometry of law, however unwearied, however effective, has no meaning. And yet in this great industrial centre, where social problems are daily being forced upon our attention, the two great social questions of the day—the liquor traffic and the housing of the poor—involve the controversy of State action over individual responsibility, and owe their motive power to that moral force to which I referred.

The power of this moral force is irresistible. It would be useless, as well as wrong, if we attempted to remain deaf to its voice; but we should endeavour to reply by an appeal to those safeguards of economic science which experience teaches us are essential.

The objections against State intervention are, to many, identical with those against centralisation. The State, in its executive capacity, is nothing more than an aggregate of individuals by no means ideal, and subject to the same influences and errors as the rest of mankind. In proportion as we impose upon them new and delicate duties, we are making very large demands upon the devotion and the disinterestedness of human nature. The control of a central department by Parliament is apt, at the best of times, to be very partial. The resources of personal and local responsibility should, therefore, be thoroughly exhausted before those of the State are involved. At the same time, the great

complexity, the intense competition and pressure of modern civilisation, establish many reasons why the State must administer to some of those social wants and difficulties which they have produced.

While making every allowance for these conditions, which are intensified in England, there are distinct limits beyond which the action of the State is neither beneficial or wise. She cannot, I contend, directly adjudicate as to the business arrangements of rent and property. Such interference cannot satisfy either of the individuals concerned, while its effect tends to pauperise and corrupt. Absence from restraint and external interference is the very breath of commercial life and prosperity. Without it, freedom is impossible; but when I use the word freedom I mean that which affords to the majority of the citizens in a State the best means of making the most of themselves.

The State has wisely recognised the necessity, by the Factory Acts and the Education Act, of protecting poor parents from the temptations and abuses to which the commercial system exposes them in the persons of their children.

Just as a contract by which if anyone agreed for a certain consideration to become the slave of another, would be considered void, so the State has wisely interfered with freedom of contract, where that freedom has implied degradation. We cannot estimate the progress of freedom in a State, except by the increased capacity of its citizens as a body to utilise their abilities. The history of the ancient world, even its most brilliant and splendid chapters, has told us the vanity of seeking for a secure and permanent freedom in the most perfect examples of individual liberty among certain classes.

There is no clearer ordinance of that supreme reason, so often obscure to us, which governs the course of human affairs, than that no body of men should in the long run be able to strengthen itself at the cost of others' weakness. If freedom is to be tested by the highest development of exceptional individuals, or of an exceptional class, it has been repeatedly shown that society has never done so much for the individual as it did among the small groups of men who possessed civil privileges in the small republics of antiquity. The debt we owe to them is the highest and greatest in the world, not only the debt for the basis of all our philosophy, but for the framework of all our political ideas. Never before and never since have the powers and capacities of the

individual been so consummate, so complete; and yet this extraordinary society was evanescent.

As we have witnessed, in recent times, the vital struggle between the institution of slavery and the existence of the American nation, so in the world of ancient history its freedom and the social condition of its most brilliant periods could not endure, because it was partial, because the perfection of the individual, this efflorescence of the privileged classes, existed side by side with the slavery of the multitude. True freedom is therefore a matter of adjustment between the duties of the State and the rights of the individual. Undoubtedly the basis of all action and progress is the force of individual character, but a system of society or of government, however splendid, if it merely raises the level of individual force and leaves its collective character depressed, has really become a prey to itself, and has no element of stability.

To revert to questions of practical controversy, there are other kinds of State intervention, such as merchant shipping legislation, where the principle upon which the State presumes to act is less distinct than in the protection of women and children.

The effect of such legislation upon trade and upon the safety of our sailors it is most difficult to estimate. So intricate a matter one approaches with the greatest diffidence and caution, perhaps rather as a question of degree and of balanced opinion, whether Government inspection can be made more effective than the personal responsibility which it will replace.

The question of State loans involves less complex considerations.

In Ireland the credit of the State has for some time been employed in order to increase the number of freeholders.

Various reasons, notably the technical difficulties that were allowed to prevail, have operated to curtail the use of these advantages; but experience, limited as it has been, is conclusive in proving that the credit of the State has not been abused. Mr. Trevelyan proposes, as you are doubtless aware, to extend the opportunities of State money in Ireland for increasing the ownership of the soil, and there are many, of whom I am among the number, who would like to see the same advantages extended to England and Scotland. The principle of State loans has been surrendered, so that they have become matters really of administration and finance.

We have seen how municipalities have, with almost

invariable success, undertaken commercial enterprises. They have been able to do their work cheaply and well, to reduce local taxation, and to secure efficiency. The development of these capacities in municipal life is indeed associated with historic continuity, for the ancient village communities, which Sir H. Maine has made the subject of one of his most charming as well as most interesting books, were but the prototypes of modern England. But more than that, the habits of local self-government are not only vital to the future cohesion of this empire, but they are also vital to the intelligent and prudent use of the public credit in the shape of loans from the State. They avoid the worst evils of centralisation. Several difficulties in detail and necessary modifications doubtless occur to you, but into these I cannot enter, for want of time prevents me from entrenching my position as I go along. It is, however, most important, wherever it is possible, that the loans sanctioned by a generous Parliament should be submitted to the vigilance of municipal or local control. Above all, it cannot be too well remembered that before we have resort to State money a fair readjustment of the incidence of taxation should be carefully considered. In influential quarters State money has been proposed, as I have already noticed, to solve the problem of the housing the poor. But before the public accepts this advice, before it contributes a farthing of public money, proof should be shown that the charitable sentiment of the nation is not to serve for the relief of evaded responsibilities and neglected duties of proprietors who have made the stress of poverty the engine of their rapacity; unless this result is carefully guarded against, the purport of State assistance is entirely contraverted.

The competition of our modern commercial system has placed the large capitalist in a position of great advantage over individual labour.

One of the most justifiable objects of loans of money from the State is not only to obtain results on behalf of the community which could not accrue otherwise, but in affording cheap money to adjust the opportunities and power of labour between the process of being and those of its having been realised.

In conclusion, let me hope that I have shown that, while the State should not be resorted to without having first weighed the resources of personal responsibility in the balance and having found them wanting, without a most careful scrutiny, and in connection with the safeguards

wherever it is possible of local control, we must not undervalue the moral force which in this country gives the impetus to movements political and social. Personal liberty is the highest aim of all government; but it is the liberty, not of the savage, but of civilisation.

I would recall to your remembrance some words of Algernon Sidney, who sacrificed his life to the cause of liberty. Writing in his work on government upon the relation of the State to the individual, he says: 'The power to which I have submitted myself exercises that jurisdiction over me which was established by my consent, and under which I enjoy all the benefits of life, which are of more advantage to me than my liberty could have been, if I had retained it wholly in myself.'

Modern civilisation involves the necessity of restraint no less than of labour. Political economy cannot act apart from political science.

The experience of this country has shown the anomalous progress of our liberties. Social reforms have been of steady and yet of illogical growth. The superstructure of popular rights and personal liberty has been steadily raised, but we have left beneath, and as a leaven to our modern ideas and commercial system, many of the traditions, and in some respects the survivals, of political and social systems already extinct. The past has intertwined itself so closely with the present that we cannot carelessly discount its influences.

The relation of Parliament towards trade and economic science must be guided by complex considerations. The economic effect of a political action is a most important, but after all, it is only one consideration. Statesmanship has to be guided by a just estimate of conflicting principles, and the value of political economy in its application to practical politics lies in its power of controlling rather than of opposing the direction of popular tendencies, and of harmonising those passions, feelings, and interests that comprise political force with the experience and reflective wisdom of research.

Address

ON

ART.

BY

THE RIGHT HON. A. J. B. BERESFORD-HOPE, M.P.

PRESIDENT OF THE ART DEPARTMENT.

The Strength and the Weakness of Art.

IT will not, I think, be inappropriate to commence the artistic discussions of this Meeting with an inquiry, as brief as the subject can admit of, into the strength and the weakness of Art.

But first of all I am bound to answer the underlying question: What is that so-called Art for which I predicate the possibility of such opposite qualities? In working out the definition I shall, I believe, make good way towards dissipating the difficulties which it is my object to bring before you and to clear up.

Counsel has on this head been much darkened by a frequent confusion which has existed between art on the one hand, and on the other the objects and methods of art. Objects of art are manifold—such as pictures, sculptures, buildings, furniture and other component parts of buildings, wall decorations, and so forth. Such, too, is the case with the methods by which art makes itself palpable. Art itself, on the other hand, is the one informing, harmonising, life-giving spirit which runs through all the visible creation, binding all together, and presenting the result to the view of intelligent minds in shapes which are, both as a whole and in parts, useful and appropriate for the object of their existence, and lovely to the eye of the beholder; the usefulness and the loveliness being consistent with and supporting each other.

But why do I attempt to define art in my poor language, when I can refer to a definition, in the first place indeed offered as of Wisdom generally, but which can rightly be for my present object limited to that branch of wisdom which is called art? It exists in a book from which no man who seeks it for teaching goes away empty. I mean the treatise, which is truly styled of Wisdom.

In this we learn that wisdom, for which I substitute art, is 'an understanding spirit—holy, one only, manifold, subtle, lively, clear, undefiled, plain, not subject to hurt, loving the thing that is good, quick, which cannot be letted, ready to do good.' Art also is 'the breath of the power of God, and a pure influence flowing from the power of the Almighty; therefore can no defiled thing fall into her,' for finally, 'God loveth none but him that dwelleth with wisdom,' of which wisdom art, I assert, is the visible sign. In all this I beg you to notice, for it is the foundation of my position, that the art which is thus presented to us all-pervading and universally powerful is yet, as the very definition notes, not something which exists in selfish isolation, as it were, for its own glory and benefit, and without regard to the conditions of the world which it has been sent into to assist and benefit.

You will, I hope, have taken notice of one definition in my quotation from the Book of Wisdom. Wisdom, or (under my limitation) art, is described in our English version as an 'influence.' It is an 'influence' in its action upon all which comes under that influence. But once it has been brought into an active condition of influencing, it may be regarded in another light, and another descriptive epithet may be employed. Being an 'influence,' it is also an 'attribute.'

I have hitherto been trying to define art, with the help of the English version of the Book of Wisdom, but I must note that the original Greek, which is with us freely rendered 'influence,' is *ἀπόρροια*, or a 'flowing from' more literally. This gives us a further idea of an emanation from some higher power, *emanatio*, in the Vulgate version. It is emanation in reference to the originating power, and influence in reference to all upon which it flows.

I have now reached the point to which I want to lead you. I despair within my short limits of being able to present a rigorous proof of my position. But I hope to give you a few examples tending to show that when the artist, forgetting himself, but respecting his art as a healthy attribute, uses it as an emanation from on high, and an influence of truth, then it is strong. When he worships himself,

and deals with his art as if it were the end as well as the means, then that art must be weak.

Accept art as an influence, and you must confess that it will be the minister of good or of evil in proportion as it affects wholesomely or balefully the substance to which it finds itself attributed, in proportion, in other words, as it is true art or false art. Very clearly then it must be accepted as an especial engine of God's moral government of the world, and in proportion as it is the helpmate and the herald of morality it is strong in a divine strength, and in proportion as it forgets its work of influencing, and, instead, affects to domineer and to substitute itself for morality, it becomes weak, unstable, and treacherous.

This is a position on which I very emphatically insist. It is important at all times, and it never was more so than in the present day, when æsthetic perceptions—for the old word 'artistic' is quite out of fashion—would, if we would believe the depth or precision of thought of excited and gushing votaries, seem ready to pose as the substitute of old-fashioned morality and generally accepted common-sense. As you love art, and if you love art, resist this. True art never can be immoral, for it remembers of what it is the influence. False art, that is, art which thinks of itself and not its mission, has only self to rely on, and self's perceptions; and in its weakness it must become sensual.

I have, as you will remember, interposed a caution against art and the methods of art being confounded. I advance no claim to be a critic of pictorial art, for my art studies have mostly been in another direction. But it is a great happiness of my life to be an admirer of pictorial art, and while, as I am very conscious, unable scientifically to describe methods, I feel their power and bow before them. The pleasure I believe to be genuine and wholesome in cases as to which I should not be able to answer the charge that it was a pleasure arising not from the art we recognised, but from the more visible excellence of method, or from an admiration—to put the matter as shortly and as clearly as I can—for the composition, the colouring, and the expression of a picture in which, however the stern sense of what art—taken at the highest—meant, would compel us to acknowledge that something was wanting to complete the noblest attributes. It is, in fact, because I desire to protect and to place at its sufficient, though not extravagant, level that appreciation of the methods which it is as necessary to preserve in behalf of the general well-being of civilisation as the appreciation of excellence in any other

pursuit, and at the same time to vindicate the moral strength of abstract art as a thing apart, that I have dared to embark upon the present discussion.

I am conscious that, in drawing this distinction, I may lay myself open to be asked how I can really define between the higher abstract art and its visible processes and manifestations. To confess that I am conscious of the difficulty will, I hope, be taken to show that I have some tangible idea present to my mind for which I desire to find expression, and that I may not be reminded of that difficulty which the wit of the eighteenth century conjured up as to conceiving a Lord Mayor without a Lord Mayor's accessories.

As illustrations of my meaning, I will bring before you two painters, one of them confessedly great in all the attributes of art except, I venture to contend, the very highest, and, through his defects in that respect, liable to be summoned, as I do, to appear as an example of weakness; and the other one, whose perfections, unique as they are, have no vestige about them of the heroic, but, just because they are not heroic, are so absolutely self-forgetful in their enthusiastic devotion to all which is right and pure, as to win for their creator the claim of being cited as showing forth the strength of art.

Rubens, handsome, well-born, endowed with a quick intellect and unflagging spirits, accomplished, winning and popular, the favourite of kings, the darling of his countrymen, the worship of a brilliant host of pupils, as capable as they were devoted, was, if ever there had been one, a spoiled child of fortune. His prosperity was well deserved, his spoiling was but too natural, and it is that which justifies me in producing him as an example of one whose weakness came of misdirected efforts after strength.

All which we read seems to show that Rubens' own disposition was a noble one, and we find in his religious pictures no absence of that quality of reverence which is far too often wanting in the artistic temperament, while the deficiency spoils works of art which might otherwise have been masterpieces. But because Rubens was reverent, was he therefore religious? These two qualities are not quite identical, for reverence is more an intellectual attribute, and needs only imply, in the painter, the appreciation of the serious treatment which the subject demands. The religious nature draws its inspirations from the heart as well as the head, and secures the success of the treatment by a true appreciation of means. There is something more positive about religion than about reverence, and it was just this positive

quality, involving the abnegation of self, that Rubens never quite succeeded in reaching. It was always the scene, visibly and intentionally presented with pomp of colour, force of action, realisation of humanity in its material greatness by the artist, whose creative faculty we are not allowed to forget for a moment.

In thus urging the simplicity of true self-forgetfulness, Rubens only did not rise superior to his age and to the strange confusion of divine and human things which marked the renaissance. How strange, for instance, according to our notions, is the habit of heaping pictures with gorgeous but incongruous accessories, in the use or the abuse of which Italy knew no moderation. No doubt, too, we have all of us consciously condoned the splendid anachronisms of the Southern pencil. In fact, we have laboriously taught ourselves that there is no incongruity about it. For instance, Paul Veronese's Marriage at Cana, on which we all gaze with such delight, is a feast in the palace of a Venetian nobleman, impossible in its magnificence even for a Venetian nobleman. It is, in fact, hardly incongruous, because it is so very incongruous. It would be crass and dull to ask: but were things done that way at Cana? But Rubens, unquestioned despot in another country, had it in his own power to make or break traditions, and he deliberately came to terms with the anomalies of the renaissance.

But here I might explain that I hold no brief for that realism which believes that a scene which appeals to the sentiment of all ages and all lands is to be appreciated according to its conformity to the requirements of chronology and geography. This pedantic accuracy may result in mistaking the means for the end, and sins accordingly against our fundamental definition of art. Chronology and geography are excellent things, but piety and imagination are better. The influence which we are bidden to look for works through emanations from them as it does not through chronology and geography. Just as you would, I am sure, be willing to exchange any number of Macbeths as we now see them in all the precision of barbaric archæology for John Kemble as he stepped on with his nodding ostrich plumes, so you would be very sorry to see the desire for accuracy, laudable as it is, whenever it is attainable, degenerate into the pedantry of an ultra-realistic clique.

It is not the Venetian dresses or the palatial architecture which requires to be explained in Veronese. You might embody the whole human sentiment which is aroused by the

supper at Cana, in Venetian garb, and provide an arcade by way of background. The emanation would be equally pure and fresh. The weakness of the picture is that in the pomp of the accessories the interest in that divine event has been allowed to evaporate. The dresses at the Ammergau Passion Play were conventional, and appreciably founded on types picked up in renaissance art, but the intense reality of the acting blotted out all anachronisms, and we were more actually in the Palestine of eighteen hundred years ago, than if a congress of sceptical archæologists had sat upon every group. We have hitherto been dealing with Rubens as a religious painter. But his weakness in showing what he can in preference to what he ought to do was not confined to his religious pictures. He was, I suppose, at his weakest in that strange sprawling ceiling of Lord Jersey's, which was exhibited this year at the Old Masters. But it is not fair to judge him by this. Let us turn to an acknowledged masterpiece. He had to paint the Triumph of a French Queen, who for the purpose of art was everything which was noble, pure, and magnificent. It is no part of my task to depict the actual character of Mary de Medicis. Accordingly, the most appropriate compliment he could pay her was to show his mastery of the undraped body, by crowding her up with a bevy of handsome but most coarsely conceived naked women.

Such is Rubens, great and strong as a man of genius, as an artist weak in proportion as he yielded to the weakness which is the doom of the man who places himself before his appointed work. With whom shall I match him as the exemplar of the strength which conscience and duty rigorously performed bestow? Let me take you back rather less than two hundred years from the days of Rubens. We shall then find in a convent at Florence, a gentle, guileless, unworldly friar, industriously and contentedly working away at his daily toil of commemorating sacred subjects on a scale which was mostly but little removed from miniature, in pictures full of grace, in face and in person full of gentle undulating motion and full of expression, and all presented by tints of peacock-like radiance, and enhanced by bold but yet harmonising contrasts—the very painter born to dream of paradise, who made paradise his favourite theme. What strength can you find in all this? I shall be asked. It seems very meritorious, but it does not sound very strong. So without hesitation I reply that strength of absolute conviction, that strength of a duty to be done, without stint,

without delay, and without repining, that conviction that it must be done without one passing thought of self, of pelf, of renown, or of worldly advantage, all centering in a mind rarely perceptive of and able to embody pictorial beauty, have in the world of art won for the blessed brother John of Fiesole his unique place among the world's greatest painters.

But do not mistake me. I should be sorry if you supposed me arguing that Fra Angelico, because strong as I define strength, was therefore altogether strong. On the contrary, in various important functions of art he was unmistakably weak. He was weak when dealing with the violent and the vicious passions. His devils are grotesque and often almost comic when they ought to be terrible; vice in his hands is softened down to affectation. But these shortcomings serve to illustrate the position that strength in art is unselfishness, forgetting self and self-glorification in the direct and unadulterated purpose of the art itself. In paradise Fra Angelico did so—when in a different place he forgot the condemnation upon him that sets his hand to the plough and looks back. Cruelty, coarseness, and lubricity were infinitely disgusting to his pure nature, and so he did not sufficiently recollect that by his profession of painter and by his choice of subject he had bound himself to defeat them by exposing them. Holding the mirror up to nature was a law which had not yet been formulated in his day. The exposure was not complete, so the defeat failed, because the painter was forgotten in the friar.

There is a legend touching Fra Angelico's practice, which it is difficult to believe in its literal extent, but which has probably a substratum of truth, namely, that working in the pious enthusiasm of his mission, he refused ever to paint over again what he had once done, or to correct a stroke. Such gentle confidence is against accepted canons of art, and the moral which I should draw from the story is, that the painter who could be believed to work upon such a method, and yet secure the fame which is his pious inheritance, must indeed have been strong.

Let me by the way call on you to remember how much the world had learned between Fra Angelico's time and Rubens' days, in technical processes, in the laws of perspective, and so forth. It is not a little because of such inevitable disadvantages, mastered as they are by his genius, that I proposed Fra Angelico as an example of strength. So it is also with regard to his magnificent capacity, helped by

his superior advantages, which induced me to point to Rubens as one whose great powers, nobly as they were exercised, yet fell short of that excellence which he might have reached if he had not, in always measuring his strength by its personal relations to his own glory, failed in the strength which comes from the emanation from on high, and is the healthful influence guiding the noblest minds.

I trust that it will not be imputed to me that I desire to depreciate the glorious power of Rubens, or to insinuate that all outside the paradisaical groups of Fra Angelico is unholy ground. Such an imputation would directly falsify my conviction, and obscure the great truth on which I insist, that the greatest genius is fallible, and the widest range circumscribed by limits as invincible as they are invisible. If we could conceive the painter who would combine the excellence of Rubens and of Fra Angelico, then that Phœnix of the Ages might be taken to represent all the strength of art, and as little of its weakness as this probationary condition admits of. But if it be objected that the man has already lived and that his name is Raphael, I shall not busy myself to contradict or to confirm the assertion, but, varying the phrase, invite you to face the possibility of the artist arising whose great reconciling touch shall combine the force of Rubens, the sweet purity of Fra Angelico, and the faultless proportion of Raphael. When such as he appears, 'Magnus ab integro seculorum nascitur ordo.'

Now, then, let me call you away to consider the strength and the weakness of art under other conditions, and in a different field. We have been testing it as it has shown itself in painting, let us now follow it up in architecture.

I have, as you will have seen, placed the question of weakness and strength in reference to painting upon the conformity or divergence of the artistic product from an ideal, the closest representative of which, allowing for the poverty of language in lending itself to abstract thoughts, would be morality. As no painting has a material or constructive duty to fulfil, this morality has nothing to do with material considerations. With a building, which has its mechanical end, and regarding the product of architecture as both an art and a craft, the material morality of construction and materials comes in no less than the immaterial morality of composition, and, to make a short story of it, the test of strength in architecture as an art is the success and completeness with which these two moralities are combined—

the morality that is of construction, and the morality of composition. To this may, after all, be reduced that conflict of wonderful persistence, wonderful acrimony, and wonderful interest to those engaged or interested in it—the battle of the styles, or, in fuller terms, the comparative merits of the styles which we may loosely tie up together as classical and those which we may as loosely tie up as Gothic. In this division of opinions I have long consistently and strongly taken my side with the advocates of Gothic. But I have striven to do so in the spirit of a partisan by conviction and reason, and not of one who was intervening in a faction fight. It is not, of course, my part to find fault with the grand energy of men on whose side I am myself contending, and I have not the least doubt that if Pugin, or Mr. Ruskin, had been more cold blooded he would have influenced less and done less. For my own part, however, I am anxious to proclaim how much I find to admire in the style which I do not prefer, as I hope I have shown how much I admire Rubens, who, I might add, had I time to follow the analogy, seems to show striking affinities with the spirit of classical architecture as it passed into Roman hands. I shall go at once to the root of the matter, and endeavour to show how much stronger is the position of Gothic than of classical if the practical test of construction be applied. In fact, I dare assert that with our active civilisation the classical method at once finds itself put upon the defensive. There is another train of thought, partaking of association and sentiment, which is often and strongly urged on behalf of Gothic as the Christian style and as the national style. Conscious as I am of the strength of this argument, I am willing on the present occasion to forego it, and trust to more purely architectonic, and therefore artistic considerations; I shall tie up that hand, and with the other make a good one-handed fight for the style of my predilection.

Classical art in its most consummate beauty is found at a very early date in its history—namely, in the art of Free Greece. This is a truth which is so little contested as to have become a truism. But what is that architecture of Free Greece which is the *ne plus ultra* of classical art? It is the art of the beam and the post, the art to which the arch is an absolute stranger. It is trabeation, not arcuation. The Romans, heirs of the classical art of Greece, found out the arch, a practical gain which would be feebly described as invaluable, and through the long centuries of their domination they laboured to marry the arch to the orna-

mentation which they had received from trabeated art. It was a gallant attempt, marked by conspicuous ability, and developing much material force—material in excess of artistic force. It was working as Romans for a Roman object. But the verdict of cultured posterity is that for pure beauty the architecture of Greece, with the drawback of ignorance of the arch, is superior to the more grand efforts of arcuated Rome. In this fight of centuries the arch at last prevailed, and declared its right to dominate the composition—the round arch in Romanesque, the pointed arch in Gothic. It was a strangely prolonged contest, but not devoid of prophetic forecasts, which men were, of course, unable then to decipher, and over which, even with the light of retrospection flashed upon them, they are very dim of sight.

It is a common-place of rhetoricians, when they desire to point a sentence about Roman grandeur, to appeal to the aqueducts; but these aqueducts, long lines of arches, are just the buildings in which all classical elements and classical feeling are reduced to a minimum, and the victorious arch asserts itself as the guiding principle and the leading form. Look also at the Coliseum. The details of the pilasters, no doubt, are classical, but the grand idea is one of which the cardinal feeling is the play with the free arch. Those classical details may forbid us from calling the Coliseum Romanesque. But if Greek architecture is classical in its purest and truest form, what is the architecture of the Coliseum? The critic who can complacently point with one hand to the Parthenon and to the Coliseum with the other, and exclaim that he takes his stand upon classical because it produced the Parthenon and the Coliseum, is a juggler who throws dust in our eyes by substituting words for ideas. The art principles of the two buildings are not different. They are hostile. The plausible objection of a few years back, that if things were really so the world never would have seen the resuscitation of classical, may now well be left to the rejoinder that in that case the present age would never have been concerned with a Gothic revival.

Grecian architecture, with all its beauty of form within its limited sphere, is impossible now because, with all its refinement, it is barbarous in construction from the ignorance of the arch; while Roman architecture is not the architecture of Greece developed and made possible by the introduction of the arch, but the long conflict—a conflict of giants who needed centuries to adjust the fortunes of their fight—

between the legacy of Greece and the inconsistent, invading, and ultimately victorious arch.

But this is not the only reason why the present practice of classical architecture spells weakness. The architecture which is really strong creates the plan first, for the building is for man, and not man for the building, and then it clothes upon that building with all needful forms of beauty, generally the more beautiful because dictated by practical convenience. Such, speaking generally, is the Gothic method. With the classical architect all must bow to pedantic laws of symmetry, and the most able building is not the one in which a varied and picturesque outside is the visible sign of a carefully-planned and convenient inside, but one in which the conjurer has most craftily masked inconvenient wants by ostensible shams. That noble pile St. Paul's Cathedral is, I am sorry to say, a signal instance of this artistic weakness, for the whole of that attic story which composes the upper half of the external elevation is a blank wall, screening a construction directly borrowed from Gothic cathedrals, in which it would have been made a delight to the eye by aerial flying buttresses and graceful clerestory. Do not smaller buildings also teem with blank windows, inserted to match the real lights, and with windows cut athwart by floors, where the working stories and the stories of pretence refuse to correspond? Time would fail me to catalogue all the clumsy contrivances which are necessities in classical composition, and which, except by extreme blundering, can never occur in Gothic. Yet Gothic, when the need requires, or when no counter-need forbids, can be as rigidly symmetrical as the rival style. The difference is that Gothic is the master, and classical the slave of symmetry. Now I claim to have proved that the strength of art in its architectural aspect is to be found in that arcuated method of which Gothic is the most perfect expression, and its weakness in that classical which is either trabeated, and therefore wholly inadequate for our actual civilisation, or else striving to be arcuated, and therefore in rebellion against its trabeated first principles. The wide question of the comparison between details refuses to be dismissed in a few sentences, so I leave it altogether untouched.

The test of strength or of weakness is not a bad proof, to which we may put the merits of that style which has sprung into so much fashionable favour under the name, alike abhorrent to geography and to chronology, of Queen Anne, but which we may very fairly consider as a development of the

Dutch Renaissance. If I were to regard the phenomenon with the eyes of a Gothic partisan, my feelings would be those of unmeasured exultation, for the enthronement of so-called Queen Anne is the absolute surrender of the classical school with all its dogmas. But is it the advent of a variation of Gothic, which has reached us clothed in all the strength of its style, or has it during the process of change needful to legitimate its *alias*, taken to itself elements of weakness which may help to point an example?

The Queen Anne style, falsely so-called, lays claim to sharing in the strength of Gothic, by its honest display of the main features of the building, such as the visible gables against which the roof-tree abuts, the doors and the windows where they are wanted, and not where self-imposed symmetry compels. The red brick which it habitually employs is practical and rich in colour; but it exchanges strength for weakness in the details which have sprung into being through an unnecessary longing after contorted forms, such as extravagant gables and strange varieties of windows and window-settings.

The strength you will see is intrinsically greater than the weakness, for one deals with the structure and the other with the accessories; but the weakness is obtrusive and therefore tells far more to the disadvantage of the structure than its constructive value can succeed in counteracting. Yet a Queen Anne building stripped becomes a Gothic skeleton, while a modern classical building stripped is left in the shameful nudity of having no right to claim participation in any style whatever.

There is a palpable reason, on which I shall insist very bluntly, for the architects of our generation being even more careful than their predecessors in insisting upon a rigid observance of the double moralities of architectural art, the morality of construction, and the morality of composition. The civil engineers, a noble profession within its own limits, have come into the field as fierce competitors. The relations of architect and of engineer is a wide and difficult question, and one which it is absolutely impossible for me to touch in the few minutes still at my disposal. But I must say that if our architects desire to hold their righteous own against the competition of the engineeers, they must buckle to with all their might to master every detail of construction, even in portions of the building which never can be exposed to view, to master thoroughly the value as to strength and durability of all materials, to be familiar

with all the laws of thrust and resistance, and to wield with an unerring judgment all the principles of sanitary science. The engineers, on the other hand, if they go afield where architects used to be credited with an honourable monopoly, must condescend to those principles of composition, of dignity in masses, of grace in details, which are the features which make a building delightful to an unscientific eye. The Thames Embankment is a gigantic and magnificent work, but would it have been worse if the artist's hand had been more visible in the details, and particularly in the parapet?

Talking in this connection, I must say that in my opinion a more severe blow was dealt to the credit of Gothic architects by the discovery that, with all the pains which the chief of Gothic artists had taken to prove how gracefully he could dance in the fetters of that alien style which official prejudice had forced upon him, he had yet shown himself so strangely unappreciative of the responsibility which rests on every architect to master, and so bestow his personal care upon the sanitation of his building, than had been dealt by the apparent readiness with which he assumed those fetters; for an ill-drained building produced by an able man must be weak, lamentably weak, in the trappings of whatever style it may be garnished.

It was in fact, as far as he could make it so, the proclamation that true art is not inseparable from true utility, that its influence may fail at the moment when life and death are at stake, in the refusal to make its presence known where it cannot court the passing applause of men—for sewers are generally unknown, and where they are known, they are in their nature noisome. Therefore, the architect who works for truth and not for applause, is bound to see that he does not purchase an outside artistic triumph, by playing with those issues of disease and death which follow on the neglect of nature's sanitary laws. Here you see is a fresh test of weakness in art.

I have, as you will observe, endeavoured to exhibit the strength and the weakness of art in strongly contrasted and very different aspects, the aspect, namely, of painting and that of architecture, and I have made little attempt to connect the two presentments of my subject. The mutual dependence of arts upon arts as they make up the grand singular art, would require a volume not an essay to discuss, and so I thought the immensity of the subject would be most vividly brought before your eyes by taking the connection

for granted, and exhibiting isolated examples, although my treatment of the subject has led me from Fra Angelico to the drainage of the public offices. You may now, however, reasonably ask me whether I esteem it easier to make for strength, and eschew weakness in such a form of art as painting where the difficulties are mainly moral, or in such as architecture, where they are also material. I am afraid my answer might be a rather ambiguous one, for I cannot get more near to a definite conclusion than by saying that it greatly depends on the temperament of the artist. Just as in the moral and intellectual character one man's strength is another man's weakness, so is it in the artistic life.

It is now time to draw to a close, and to thank you for your patient attention. I have been much guided in my choice of subject, by reflecting that I am addressing not an Art Congress, but the art department of a Social Science Meeting. Social Science, as I read the term, is the science of social life, that science which, not in opposition to revelation, but as its handmaid and representative, labours to build up the human family in order, peace and prosperity, as an elect and noble commonwealth. So I asked myself if I could find a point of contact between Social Science and Art, and I trust that I have found it in the strength and the weakness of art.

SELECT PAPERS,

NOTICES OF PAPERS,

DISCUSSIONS,

ETC., ETC.

JURISPRUDENCE

AND

AMENDMENT OF THE LAW.

INTERNATIONAL AND MUNICIPAL LAW SECTION.

LOCAL GOVERNMENT.[1]

What amendments are required in the system of local government in England with regard to areas, functions, and representative or other authorities? By ARTHUR F. LEACH.

FOR the last half-century local government has been a prominent subject of discussion. After the Parliamentary Reform Bill of 1832, the Municipal Reform Bill was the first and most important measure which demanded the attention of the Government and the country. The question was dealt with in accordance with the same policy of "thorough" which characterised the Parliamentary Reform Bill, and, happily, in a way which was really final, because, unlike the Parliamentary Bill, it was, with slight exceptions, really radical. For the Boroughs, the Municipal Reform Act of 1835 established true local self-government 'of the people, by the people, for the people.' With the exception of the anomalous and absurd institution of aldermen, which we owe to the fatherly care of the House of Lords, who endeavoured to spoil a democratic measure by thrusting into it this oligarchical invention, and which in most boroughs has happily resulted in giving a permanent majority to the popular party, there is nothing which now needs amendment in the constitution of the governing bodies of boroughs. Nor, with the exception of the licensing, poor law, and educational powers, with which we shall deal presently, are there any functions which had to be performed at the time of the Municipal Reform Bill, or for many years afterwards, which are not now vested in the town council.

[1] See *Transactions*, 1883, p. 494.

As regards the area of boroughs, the principle of self-regulation has not been so successfully carried out. It is a distinct blot on the municipal system that the boundaries of boroughs are settled at haphazard; that the municipal and the parliamentary borough are not conterminous, that the municipal borough is sometimes not conterminous with an urban sanitary authority bearing the same name, that the area of a borough has no definite relation to the area of a parish, or a union, and last, not least, that a borough has no power to rectify its frontier without going to Parliament. The first anomaly, that the parliamentary and municipal boroughs are not conterminous, can hardly be dealt with as part of a local government measure, and the existence of boroughs like Aylesbury and Woodstock, which for party purposes have been made to include large slices of a county, prevents any definite scheme being laid down as regards parliamentary boundaries. But it is a matter which we may hope that Parliament will bear in mind when it comes to deal with the question of redistribution. As regards the other anomalies as to areas, there is no doubt that they could easily be, and ought to be, put an end to. Urban sanitary districts, and municipal boroughs bearing the same name, ought clearly to be consolidated into one. The discrepancy as to Unions and Parishes would disappear under the scheme hereafter advocated. The power of extending its own boundaries in concert with the surrounding district desired to be annexed, is just one of those matters which Parliament might well leave to the localities concerned, and thereby relieve itself of a part of its burden of work, and the locality of the wasteful, unproductive, and unnecessary expenditure attendant on the vicious system of Private Bill Legislation. As it only needs an order of the Privy Council to create a Borough, and an order of the Local Government Board to create an Urban Sanitary district, it seems rather absurd that it should require an Act of Parliament to enlarge a Borough already existing.

With the abolition of aldermen, retaining the title, if any one cared to do so, for the senior councillors, and with the extension of functions and powers already mentioned, local government in boroughs would be placed on a completely satisfactory basis. The Municipal Borough would then be absolutely autonomous as regards all matters which concerned it as a Borough, subject only to the supervision of the Local Government Board, a supervision which now only extends to towns, and which, as to the new Poor Law powers,

would diminish as the power of the body supervised increased. As local taxation forms no part of the subject for discussion, we may therefore dismiss from consideration, except incidentally, local government in our 242 Boroughs, as already settled in all its main outlines, and only requiring further extension on the same lines, and concentrate our attention on the country outside their limits.

There we find ample scope for discussion. Notwithstanding that for more than thirty years County Government has been the subject of anxious consideration in the Legislature, and out of doors; notwithstanding innumerable questions, motions, and debates on the subject in Parliament; notwithstanding that the subject has now for the last thirteen years been treated as urgent, and has repeatedly figured in Queen's Speeches and Government Bills, yet it still remains, to all appearances, where it was half a century ago. County Government is still as it was described by Mr. Goschen in 1871 as chaos, 'a chaos as regards authorities, a chaos as regards rates, and a worse chaos than all as regards areas.' It is hardly necessary to give a list of the elements which welter in this chaos. They cannot be better shown than in a paper read at the Poor Law Conference, in 1877, by Mr. Hagger, quoted by Mr. Rathbone in the *Nineteenth Century* for February 1883. In the area of a single Union, for example, there are 'two municipal councils, three boards of guardians, eleven local boards of health, twenty-four bodies of overseers, five burial boards, two school boards, and one highway board, making a total of forty-eight local authorities, acting in complete independence of each other; the complication being increased by the fact that a single board exercises its different functions over different areas. Thus one board of guardians has control over the whole twenty-two townships in the union for poor-law purposes, while they are the rural sanitary authority in only ten of them, and the educational authority in eighteen and a half.' Or take, again, the summary by Mr. R. S. Wright, in his Memorandum on Local Government, published in 1877 and recently republished: 'An inhabitant of a local board district lives in four kinds of districts—the local board district, the parish, the union, and the county. He also is, or may be, under six governments—the local board, the vestry, the union, the burial board, the quarter sessions, and the school board,' and 'any of these districts or authorities may be different for inhabitants of different parts of the same local board districts.' The inhabitant of a rural parish is in an even worse case. He 'lives in a parish, in a union, probably

in a highway district, and in a county. He is governed by a vestry, a school board, a burial board, a highway board, a board of guardians,' and petty sessional division, 'and the quarter sessions,' while 'there are a multitude of minor matters in respect of which the districts and authorities are or may be additionally multiplied and complicated in all the above cases.' Perhaps the most conspicuous instance of the reckless way in which Parliament has multiplied and complicated authorities to do the same work may be found in highway legislation. There we find the turnpike trustees governing roads for purposes of gain under parliamentary power, the county magistrates appointed in one way exercising jurisdiction over, though not actually managing, one set of roads, independently of the boards of guardians, who, partly the same and partly a different body, elected in quite a different way, exercise partial jurisdiction over the same set of roads, and complete jurisdiction over another set of roads, in the same district, while in adjoining districts the same class of roads is managed by an independent highway board appointed in a third way, and in the next district again the same jurisdiction is exercised by a single individual called a highway surveyor, appointed in a fourth way.

To state these facts is to condemn the system, if system it can be called, of local government. So patent are the evils of friction, extravagance, want of power, and want of control, that everyone is agreed on the necessity of reform in the direction of the simplification of areas and the consolidation of authorities. Everyone is also agreed that this simplification and consolidation should be sought by the establishment of some representative authorities in the shape of County Boards. But when we go on to inquire how that authority should be constituted, what its merits should be, and what powers should be conferred on it, we find that agreement ceases. Since 1850 no less than nine Bills have been brought into Parliament by various Ministers to constitute County Boards, and no two of them have agreed in the constitution proposed. Thus it has been proposed that the County Board should be elected half by the board of guardians in the county, half by the county justices in quarter sessions, that the whole board should be elected by the guardians, but half of those elected should be justices, that all the justices should be members of the board, and the guardians should elect a fifth of the whole board besides, and then to vary the changes that half should be elected by the chairmen of newly-formed parochial boards, and half of the justices, that the

petty sessional divisions should elect the boards, half to be justices and half guardians; and lastly, by a supreme effort on the part of Mr. Sclater-Booth, during the last Conservative administration, that two-thirds of the board should be elected by the guardians and one-third by the justices. Again, as to area, the areas of election proposed have been the county, the petty sessional division, the union, and the parish, and wards made of combined parishes, and most commonly a mixture of one or more of those merits.

All these schemes failed and were foredoomed to failure. They were half-hearted. Even the most vigorous of them, that embodied in Mr. Goschen's Bill in 1871, did not unite all the local administrative powers in one body as they ought to be united, or provide a simple and efficient body. Every one of those schemes was characterised by distrust of the people, and therefore the people distrusted them and ignored them. Consequently there was no motive power behind their authors to pass them into law. The discussions which have taken place on these measures, and still more, the discussions which have taken place on motions made since the present Government came into office, have cleared up the subject considerably. Public attention is now thoroughly aroused to the question of local government. Opinions have become defined, and in the process of definition have shown a rapid progress towards the acceptance of a programme of democratic simplicity and efficiency. Indeed, in view of the extension of the parliamentary franchise no other programme can be regarded as holding out any hope of a final or even temporarily satisfactory settlement. The extra-mural working man and the agricultural labourer, who are now to be admitted to their fair share of influence on national affairs, will hardly consent to be excluded from influence on local affairs. As the Reform Act of 1832, which gave parliamentary power to the mass of the townsfolk, was followed by the Municipal Reform Act of 1835, which gave them municipal power, so the Reform Bill of 1884, which admits the rural population to a full measure of national self-government, must be followed by a County Government Reform Bill to admit them to a full measure of local self-government.

The lines then on which local government reform should proceed are those of the greatest possible simplicity, so far as compatible with efficiency, in the area of government, the functions to be conferred on the government, and the method of selecting the government.

The most difficult of these three questions into which the

subject divides itself is that of the area of local government. Everyone is agreed, as we have said, that the County is to be the upward limit. But almost everyone is disagreed about what is called the primary unit, and the division of functions between them has hardly been considered at all. Of the areas suggested we may, however, put aside such suggestions as that of the petty sessional division, as having no significance either historical, administrative, or geographical, and that of the hundred as being obsolete, while Mr. Sclater-Booth's proposal of new wards is either too revolutionary to be considered, or is only a modified form of the two principal proposals. These are the Parish and the Union. The parochial unit was adopted by Mr. Goschen, in his Bill of 1871, and therefore has special claims to consideration. The Union is the area admitted by Mr. Rathbone. On the side of the Parish are history and sentiment, and to a great extent taxation and other arrangements. In favour of the Union are the facts that the Union was especially created for administrative convenience half a century ago, and that having been created, it has been made, and now is, the administrative area for all the most important functions of local government, poor law, sanitary, highway, and to some extent educational. But on the other hand the Unions are very artificial areas; they were selected as the best circle for radiation from a central workhouse, not for other administrative purposes, and they are themselves nothing but combinations of Parishes, and the guardians are elected not by the Union as a whole, but by the separate Parishes.

But the strongest argument of all against the Union is that the Union boundaries have little relation to the County boundary—no less than 182 out of 617 comprising parts of two or more Counties, while they have no relation at all to municipal boundaries, only eight of the whole 617 being coextensive with Boroughs. If the Union therefore were selected as the unit, seeing that it is proposed to make the Counties complete in themselves, and to constitute every Municipal Borough, at least above a certain size, say 5,000 population, into a separate Union, there would have to be such an extensive readjustment of boundaries that hardly a Union would remain intact. The argument from convenience in favour of retaining an existing organisation therefore fails, and we must fall back upon the Parish.

But Parish is a word with many meanings. There is the old township, the ecclesiastical parish, the poor law parish, often coincident with the old township, and the highway

parish, all of which comprise, or may comprise, different areas; there being, roughly speaking, 15,000 poor-law parishes, 13,000 ecclesiastical, and 6,203 separate highway, and 7,886 districted highway parishes. But we should have little difficulty in choosing the proper area out of these. As the highway powers would be conferred on the Board, whatever it might be, the highway parish would cease to exist as an independent entity. The ecclesiastical parish has no relation to civil government nowadays, being divided according to the size of churches and populations, which often don't go to church. The poor-law parish is the only parish we need take into account, and it would be extremely convenient if the ecclesiastical name of Parish, and with it the lowering associations connected with the word vestry, were dropped, and we resorted, as our cousins in the United States and Canada have done, to the old English word Township. It is true that now in selecting the Township as our unit we cannot avoid some redistribution of areas. For, at present, 227 Boroughs have their boundaries cut by the boundaries of parishes, and there are 788 parishes with less than fifty inhabitants, and 6,000 with less than 300. But when the Boroughs were extended, as they must be, to embrace the adjacent thickly-peopled urban sanitary districts or local board districts, it is most probable that the same townships would be re-united, and even if they had to be redistributed no harm would be done, as in urban districts parochial administration and parochial patriotism is merged in borough administration and borough patriotism. In country districts, on the other hand, small Townships with under 100 population would have to be combined. Anyhow, as the Parishes hardly ever cut the County boundary, there would be less disturbance than if the Union were selected as the unit.

Having decided in favour of the Township as the unit, it remains to consider what relation there should be between the unit and the aggregate, the shire or county. For local government purposes the shire would, of course, be the present quarter sessions counties, that is to say, in Yorkshire, for instance, each Riding would be a County, and in Sussex the east and west divisions would remain separate as now. There are two possible relationships between the primary units and the aggregate. Either the primary units may send delegates to the aggregate, or the aggregate may delegate powers to the primary units. You can adopt the system at present in vogue in London in which certain powers are vested in the vestries which send delegates to the

Metropolitan Board of Works, in whom certain more general powers are vested; or you can adopt the system at present in use in the City of London, and proposed by Sir William Harcourt's Bill to be extended to all London, in which the wards have little or no powers as such, but to elect representatives to the common council which is the governing body, and only delegates to the wards such powers, if any, as it may choose to confer.

The argument mainly used in favour of the former system is that the smaller the local area of government the more the wishes of the governed are looked to and the better they are known. The chief argument in favour of the latter system is that the wider sphere of action is more likely to attract a superior class of workers, and private interests are less likely to make themselves felt in opposition to public policy. On the whole, and especially having regard to experience, the latter system seems to be the best. Vestrydom has become a by-word for jobbing and mismanagement, and parochial politics are a term of reproach for pettiness and inefficiency. In my view, therefore, the County should be the area for government, while the Parishes should be the area for election. There are 15,000 parishes in England and Wales. There are, including as separate counties such divisions as the Ridings of Yorkshire, perhaps sixty-five counties. This would give an average of between 225 and 250 parishes for each county. But many of these parishes are already included in municipal boroughs. Many more are included in urban sanitary districts which ought to be made into or annexed to boroughs. Others of them, as we saw, are very small, and would have to be fused. When the really urban districts were annexed to the boroughs to which they properly belong the number would be further reduced, and none of them would be very large in point of population. The average number of rural Townships in each County might therefore be approximately put at 150. Adopting Mr. Goschen's proposal in 1871 the Township would be selected as the electoral ward. Each Township would elect one member to sit on the County Board, while the more populous Townships would elect two, three, or more members according to population. The County Board would then consist of about the same number of members as now go to make up the quarter sessions of the rural counties. In the West Riding it might amount to 400, in Rutland to thirty. Besides the members of the County Boards it would also be well, at all events in the more populous Townships, that a Township

Board should be elected at the same time as the Township members for the County Board. Those who had the greatest number of votes would be members of the County Board, the rest assisting them as the Township Board in such matters as should be devolved on the Township by the County Board. All local matters other than those specially delegated to Townships should be transacted by the County Board, and the delegated powers might be increased or diminished by the Board from time to time. The Board might also delegate powers to combinations of Townships, such as the present Unions or Petty Sessional Divisions, if it thought fit. In this way the advantages of the small area in point of local interest and knowledge would be combined with those of the larger one in point of public interest. As specimens of the duties of each area one might instance the duties of school attendance committees and school management as Township matters, while the provision of schools and general scheme of education would be a County matter. The power to grant an extension of hours to a public-house might be left to the Township, while the general licensing system would be determined on by the County authority.

There would then remain only three areas of local governments, the Municipal Boroughs increased by the incorporation or annexation of urban sanitary districts, both in number and size, and also in power by the transfer of licensing and other authorities; the County and the Township. The local board districts would have disappeared, either becoming or being annexed to Boroughs, or as populous Townships being component items of the County, but with their own Township Boards. The Unions would disappear, being either coincident with the Boroughs, or resolved into the Townships as part of the County; the poor-law powers being transferred to Town Councils, or County Boards, their sanitary and highway and education power to the County Board, some of them being delegated to the Township Boards. The school boards in Boroughs would disappear in the town councils, in the County they would either coincide with the Township Board or the County Board. The petty sessional divisions and the quarter sessions would disappear in the County; though the former might possibly be revived in some cases for certain assigned purposes. All the other areas of local authority would be merged in the Borough, the Township or the County. It is probable that some relationship would have to be established between the Boroughs and the County; but at present the problem rather is to assimilate

the County to the Boroughs than to make any change in the condition of the Boroughs.

II. The question as to what functions should be performed by the County Board is considerably easier to answer than the question of areas, because the latter is a mere question of detail and expediency, the former of principle. The answer suggested is that every function now performed by any local authority in a borough should devolve upon the town council, and every function performed by any local authority outside a borough should devolve upon a County Board. The business at present done by the county justices is a mere haphazard collection of separable accidents. There can be no valid reason why the county justices should look after diseased swine, while the guardians have to see that swine are not so kept as to be injurious to health; why bridges should be wholly subject to the justices and main roads partially, while high roads are subject to the guardians, the highway board, or the highway parish. There is no sense in the duty of providing industrial schools being imposed on the justices, while that of providing ordinary schools is imposed on the parish, if there is a school board, and the duty of enforcing attendance at school is imposed on the guardians. There is little reason in the distinction drawn between nominee justices and boards of guardians, which consist of those nominees plus a number of persons elected by a complicated constituency. The County Board if it is to lessen the dull mass of rural life must combine all the scattered elements of the present divided jurisdiction. It must be the poor-law authority, the sanitary authority, the highway authority, the education authority, the police authority, and last but not least the licensing authority. Inspection of nuisances, inspection of suspected animals, inspection of suspected weights and measures, inspection of criminals in prison and lunatics in asylums, should all be done by the eyes of the County Board. As regards the poor law, all the chief authorities are agreed that the system of county indoor relief is required to supplement the present system of union relief, and to curtail the system of parish out-door relief. The present system of divided duties by multiplying officers and officials, multiplies expenses and subtracts from efficiency. The consolidation of all those functions in one body will not only promote a more efficient performance by attracting an abler class of members, but will improve the work of the present members through the greater scope given for their exertions, and the greater power gained

by more constant exercise. There are other functions not now performed by local bodies, which are only not performed by local bodies, because local bodies are not fit or thought fit to perform them. The conservation of rivers is a matter which is too big for Unions, and for which quarter sessions are too little representative and too inexperienced; but which would readily be handed over to a County Board.

For such larger purposes, and possibly perhaps for all purposes, the Municipal Boroughs might be represented on the County Board. These however are matters which may fairly stand over for future consideration in the light of experience. The main object now is to put life and vigour into the extra-municipal community. Whether the new body proposed to be created is capable of subsequent development, so as to raise the already existing bodies to a higher mode of existence does not affect the present discussion, except in so far as it strengthens the argument for making the new body as strong and all-embracing in its functions as possible. The educational argument has been passed over for similar reasons. It is quite certain that nothing is more calculated to stimulate political and intellectual life in the country than the free participation of its inhabitants in local self-government. But if the reforms of local self-government were not required for practical and substantial objects, the educational argument would hardly justify such an extensive re-adjustment and disturbance of existing organisations as is here contemplated. Indeed, if there were no substantial reason for their existence, if they had no great bulk of actual work to do, the County and Township Boards would have no attraction, and would have no enlivening or educational effects. This concentration of functions is a matter which hardly needs further argument. If the present county justices are fit to manage the licensing system, *à fortiori*, a representative County Board will be so. If the board of guardians is fit to look after highways and education, and poor-law administration, *à fortiori*, will the County Board representing all classes be so. Or turn it the other way, if you can get good men to do the present meagre quarter sessions business and the somewhat hole and corner guardians' business, will you not get better men to do the combined business with the increased power and dignity conferred? So strong would the new board be that I should propose, that not only should the administrative, but also the judicial functions, be transferred to the County Board, and that the justices should be selected from their number in the

same way as they are from the Town Councils in Boroughs. In fact, for all purposes the County Board should be the quarter sessions plus the guardians, plus the highway board, plus all and every local authority whatever.

III. The last and not the least important question remains as to the manner in which the County Boards should be constituted. Guided by the experience of the past and the principle laid down of democratic simplicity, we can have little hesitation in coming to a conclusion on this point. That the County and Township Boards must be representative is a point on which people are agreed. The retention of power in the hands of an oligarchic body nominated by the Lord-Lieutenants is admitted to be impossible in the present age. But if the direct retention of the power of the county justices is impossible, its indirect retention is both impracticable and undesirable. Previous Local Government bills have all split upon the rock of quarter sessions. The complicated methods of indirect representation proposed in the various bills were, perhaps, useful as showing the futility of any half-hearted scheme. They were perfectly useless as solutions of the problem. Nobody could feel the faintest interest in a body compounded, in whatever proportion, of representatives of that eminently respectable but thoroughly unpopular body—the county magistrates, or those equally respectable and utterly uninteresting conglomerations which constitute the boards of guardians. It would be a matter of complete indifference to the dweller in the county who was neither landowner, nor farmer, nor agricultural labourer, whether he was governed by a mob of landowners or a joint committee of landowners and farmers. As for the agricultural labourer, he would feel pretty sure that he would get no benefit out of either. But the agricultural labourer and the unagricultural ruricolist can no longer be ignored. They contribute to the rates, and they are on all the principles of the English constitution entitled to a voice in the spending of the rates. The only way in which an adequate voice can be given to them, the only way they can be made to feel that they have a voice, is to establish the principle of direct representation and single votes. All the devices of multiple votes according to property such as now prevail in the election of guardians, of cumulative voting according to the number of candidates, such as prevails in school board elections, or of indirect elections by boards of guardians, and magistrates proposed by bill makers, or of the admittance of *ex officio* elements as in boards of guardians, are

mere party tricks. They are intended to prevent, and do prevent, the due control by the masses of their own affairs, to the great detriment of both governors and governed. It is urged that owners ought to be separately represented from occupiers. Why? The larger owners could always command sufficient influence to be elected to the County Boards, unless they were more hopelessly unfit to serve on any board than is likely to be the case with them in the estimation of any Township in the kingdom for many a long day to come. As for the small owners, they are, in 99 cases out of 100, also occupiers, and there is no reason in the world why they should be put in a superior position to other occupiers. As a matter of fact, if any difference should be made between one person and another in respect of voting power, it should be made in favour of the poor occupier, not of the rich owner. It is the poor occupier—the agricultural labourer—who suffers from poisoned streams, from fever-breeding cottages, from diseased meat, from improper habitations, from want of education; not the wealthy landlord, with his mansion and his wells, his stock-farm and his public-school education. When the rates are divided, as proposed by Mr. Goschen, between owner and occupier, a far keener interest will, no doubt, be taken by landlords in local affairs, and it will be their interest then, as it is their pride now, to have a seat on the County Board. But because they contribute more largely to the rates than the occupiers, there is no more reason why they should possess a greater share in administration or greater voting power in local affairs than there is that any rich man should possess a larger number of votes for Parliament because he contributes more largely than the poor man to the income tax. Indeed, considering that for centuries the landowners have had complete control over local affairs, and have done so little to promote the health, the comfort, or the education of those committed to their charge, experience would rather point to their complete disfranchisement. But there is no great objection to the retention of an ownership franchise for the local government area, just as it is being retained for the parliamentary area, with proper precautions against the creation of fictitious ownerships. It is a comparatively harmless concession to antiquated prejudices. But the true principle of representation in local as in national affairs is, one man, one vote. What is called the legitimate influence of property is not likely to be less potent in local elections than in parliamentary elections. Any mechanical checks and balances

proposed to be imposed by ingenious devices are but obstacles to progress, not barriers against revolution, and are of no value as compared with the natural influence of wealth and education, to say nothing of the ordinary common sense of ordinary Englishmen, whether they be lords or labourers. The scheme of election advocated for County Boards, then, is that of direct election by single vote of each ratepayer, whether owner or occupier, in each Township. The elections should be held simultaneously in each Township, and any ratepayer of the county should be eligible for election in any Township. Those candidates who received the greatest number of votes would be members of the County Board, the other candidates elected would be members of the Township Board, if any. Both Township and County Board would elect their own chairman, and the County Board might, of course, divide its work among committees of its own members as it pleased. The senior member for the township, the chairmen of the County and Township Boards, should, like the mayor of a borough, be *ex officio* justices of the peace, together with such other members of the County Board as it might suggest to the Lord Chancellor, in the same way as borough justices are now suggested by the town council.

As to the term of office there is a good deal of discrepancy in the opinions set forward, and we must again fall back on principle for guidance. To those who desire a thoroughly simple and popular local government, annual elections must necessarily commend themselves as the best. Local affairs move more quickly than national affairs. A Parliament six years old, or even five years old, has lost touch, or is always alleged to have lost touch, of the nation. A County Board might well lose touch in three or two years; nor can it renew its grasp by the expedient of partial re-elections. A system of three-year boards, one-third of which retires every year, is eminently unsatisfactory. It is supported on the ground that it gives consistency of administration and continuousness of policy. But either the electors desire a continuance of the same administration and administrators, or they do not; if they do, they will elect the same members year after year; if they do not, they are entitled to effect a change as speedily as possible. As soon as a representative body is out of harmony with those it professes to represent, its reason for existence is gone. It ought to give place to another. But if only one-third of the body is removable, restoration of representation is perhaps impossible. All the excitement, and trouble, and expense of a contested election

are inflicted without the corresponding advantages. There is practically little fear of a break of continuity in administration or in administrators under any system; perhaps, as Mr. Freeman has so eloquently shown from the example of the democratic cantons of Switzerland, less in the democratic system of direct annual elections than under any other system. It is said that annual elections would tend to turn on politics. But there is no particular reason why annual elections should become political more than triennial or septennial elections. Nor is it a result wholly to be deprecated that local elections should turn on political lines. The same lines of cleavage that prevail in home politics are apt to prevail in foreign politics and in religion, in science, and even in literature. As a Liberal, I firmly believe that in the long run the same bent and composition of mind which makes a man a Liberal in matters of national administration will make a man a Liberal in local affairs. He is more likely, in my view, to entertain sounder views of the true methods of sewage, of the true methods of education, of the true methods of poor-law administration, than the Conservatives. In fact, in the long run, I would prefer Liberal opinion to Conservative opinion on every matter, from the federation of the empire to the colour of the parish pump. A Conservative would naturally give a similar preference to Conservative opinion. Certain it is that, apart from politics, local affairs are apt to fall under the control of cliques and individuals who have selfish interests to serve, and are governed by petty personal likes and dislikes, or motives even more corrupt, instead of by regard for the public weal. At all events, frequent elections are the best specific yet discovered for the prevention of apathy, stagnation, and jobbing in the governing body, and the promotion of life and intelligence in the governed.

The reform of local government here advocated is thus one for the simplification and consolidation of areas, functions, and authorities. For the area of government is proposed the present County, compounded, as areas of election and delegated government, of the primary units of the poor-law Parish or Township with the minimum readjustment of boundaries. In the authority constituted for this area would be consolidated all the various functions now exercised by all the various scattered and independent local bodies now existing, poor law, sanitary, highway, educational, licensing, and police, together with such further functions as the times may require, or Parliament may devolve upon it. That the authority so constituted may command confidence and be

efficient, it should be constituted by direct annual election by all those who contribute to the funds by which it has to carry on the government, in which election every contributor should have an equal voice. This is a programme of reform which would be easy to carry, because it is easily understood; it promises a just and adequate solution of the present difficulties, and is one which, if carried, would, it is submitted, prove easy and efficient in working.

On the Same.

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THERE is no need, I think, to dilate at length on the importance of the subject we have met to discuss to-day. Constitutional writers and practical politicians alike agree on the intimate connection that subsists between political freedom and a vigorous system of local self-government. In England local life has always been strong, and deep has been our debt in the past to the political capacity thereby engendered. 'England alone, among the nations of the earth,' says Sir Erskine May (Const. Hist. vol. iii. c. xiv.), 'has maintained for centuries a constitutional polity; and her liberties may be ascribed, above all things, to her free local institutions. Since the days of their Saxon ancestors, her sons have learned, at their own gates, the duties and responsibilities of citizens. Associating for the common good, they have become exercised in public affairs.' In times to come, the maintenance of our ancient liberties will assuredly depend more and more on the growth and vitality of our system of local self-government. The current of our national life sets steadily towards democracy. We may like it or dislike it; we may regard it with hope, fear, or indifference, but no one can doubt the fact. The signs of the times are clear, and he who runs may read. The danger which ever threatens an overgrown democracy is a despotism. The most efficient defence against this danger is a system of free and strong local institutions. Men who are accustomed to govern themselves in minor matters will not submit to be tyrannised over in the affairs of the State. The central government must always be carried on by a comparatively very small number of individuals. In proportion as political power is

[1] The substance of this paper is taken from the volume on Local Government, contributed by the writer to the 'English Citizen' Series in 1883.

entrusted to the masses, it becomes increasingly important that a large body of men should be trained in the art of government, and that the rights, duties, and responsibilities of citizenship should be brought home to as many as possible. But these ends can only be attained through the development of a vigorous system of local autonomy.

Regarded from the social point of view, the problems of local government are no less pressing. The area of England and Wales is about thirty-seven million acres. In 1801, the population inhabiting this area was about eight and a half millions. At the present time the population inhabiting this area is close upon twenty-six millions. A comparison of the census returns, between 1801 and 1881, shows that the urban population has increased much faster than the rural population. According to the last census classification, seventeen and a half millions of people are now dwellers in towns, while the remaining eight and a half millions are spread over the rest of the country. As population increases in a limited area, the sphere of local government expands. Poor-law administration becomes more difficult, and sanitary regulations become more urgent. Again, towns require much more government than country districts, especially in sanitary matters. Masses of human beings, when collected together in a limited space, necessarily create nuisances which individuals are helpless to abate. The disposal of sewage and other refuse and the supply of pure water and uncontaminated air are matters which press, but are by no means easy to accomplish. Infectious diseases are more difficult to cope with, and epidemics are more dangerous. Men of science seem agreed that preventive medicine has a brilliant future before it; but it must look to educated local authorities to carry its teachings into effect. In proportion, then, as our institutions become more democratic, and as our population grows, it becomes increasingly important that our system of local government should be reformed, in order that it may be adapted to the altered conditions of our civilisation, and that it may attain the maximum of power and vitality of which it is capable.

If I may use an awkward term, I think the direction which reform should take is that of local centralisation. Mr. Goschen has described our system of local government as a chaos of areas, a chaos of rates, and a chaos of authorities. How to evolve order out of this chaos is the problem. What is required is the consolidation of areas and rates and the concentration of authorities. For the main

purposes of local government, we may consider England as parcelled out into counties, boroughs, sanitary districts, unions, parishes, and highway districts; but there are other minor areas besides. We may disregard the hundreds, the sessional divisions, and other divisions for judicial purposes. To go into figures, there are 52 counties, 244 municipal boroughs, about 20 of which are 'counties of cities,' or 'counties of towns,' and as such are for the administration of justice and some other purposes deemed to be separate counties. There are 70 Improvement-Act districts, 1,006 urban sanitary districts, 41 port sanitary authorities, and 578 rural sanitary districts, 2,051 school board districts, 424 highway districts, 853 burial board districts, 649 unions, 194 lighting and watching districts, 14,946 poor-law parishes, 5,064 highway parishes, not included in urban or highway districts, and about 13,000 ecclesiastical parishes, 6,958 of which are neither entire mother parishes nor contermingous with civil or poor-law parishes. There are approximately 28,000 different local authorities who tax the English rate-payer, and they tax him by means of 18 different kinds of rates. (See Eleventh Report, Local Government Board, p. 385, and Census Returns, 1871 and 1881.) After this catalogue you will not be surprised at the subdued complaint of the last Census Report (vol. iv. p. 3). The Report observes that 'England and Wales have been parcelled out at various times in a multiplicity of ways for various purposes; and it has often happened that when a new parcelling out for some special purpose has been in hand, those entrusted with it have laid out their new areas without any regard to pre-existing areas of administration. The boundaries of civil and of ecclesiastical parishes, of municipal and parliamentary boroughs, of registration counties and counties in the ordinary sense, of urban and rural sanitary districts, not to mention numerous other subdivisions of the country, overlap and intersect each other with such complexity that the enumerators and the local registrars failed altogether to unravel their intricacy. Nor is this to be wondered at, seeing that often no official or authoritative statement of the exact boundary of an area was procurable.' If the officers of a great statistical department of the Government were nonplussed, no wonder that our system of local government is a matter which is 'not understanded of the common people.' As an example of the intersection of areas, I may mention that 85 civil parishes and 181 unions are situated partly in one county, partly in another. To add to the reigning confusion

the same local name may be applied to different areas. The parliamentary borough of Stoke-upon-Trent consists of parts of six parishes and parts of four unions, and contains four municipal boroughs. The urban sanitary district of Mossley comprises parts of four registration sub-districts, parts of four parishes, parts of two unions, and parts of three counties. In short, with the exception of the poor-law parish and the union, all the areas I have enumerated overlap and interlace. As an illustration of the effect of this clashing of areas, I cannot do better than cite Mr. R. S. Wright's summary. He says: 'The inhabitant of a local board district lives in four kinds of districts—the local board district, the parish, the union, and the county. He is, or may be, under six governments—the local board, the vestry, the union, the burial board, the quarter sessions, and the school board. Moreover, any of these districts or authorities, except the local board and its district, may be different for inhabitants of different parts of the same local board district. There is a case of a farm in Gloucestershire, of some 200 acres, which, some few years ago, was in twelve parishes, and subject to about 50 rates.'

'The inhabitant of a rural parish lives in a parish, in a county, a union, and probably in a highway district. He is, or may be, governed by a vestry, a school board, a burial board, a highway board, the guardians, and the justices. There are a multitude of minor matters, in respect of which the districts, authorities, and rates are, or may be, additionally multiplied and complicated in all the above cases.' ('Local Government and Local Taxation,' p. 93.)

As I have already indicated, the various areas are ruled by distinct authorities. These authorities are elected at different dates, for different periods, by different electorates, and by different modes of election. Each authority has, of course, its distinct staff of officers. I will not weary you by working out these anomalies in detail. I will merely take two or three specimen cases. To begin with the parish. Except in the few cases where there are select vestries under Hobhouse's Act, the parish is governed by the vestry—that is, by the ratepayers of the parish in vestry assembled. In the union, the guardians constitute the governing body. They are elected annually by the owners and occupiers, who vote according to a property qualification, each voter having from one to twelve votes. The election is conducted by means of voting papers. Members of local boards, who constitute the urban sanitary authority of a local government

district, are elected in a similar way, though there are differences of detail. They hold office for three years, one-third retiring each year. In municipal boroughs, the town council is elected by ballot, each occupying ratepayer having a single vote. School boards are elected by ballot with the cumulative vote. The justices of the peace for the county constitute the county authority. They are appointed by the Crown on the recommendation of the Lord-Lieutenant.

Let us now turn for a moment to the financial aspects of this heterogeneous system. Our local expenditure is about fifty millions a year. Our local debt increases at the rate of about eight to ten millions a year. The local taxation returns show that in 1875 our local debt was ninety-two millions. In 1881, it had increased to one hundred and forty-four millions, but these returns are manifestly incomplete. For instance, they only show the debt of Birmingham in 1882 at half a million. I take it the ratepayers here would be pleased if this were the extent of their liability. I believe, in fact, the returns only show so much of the debt as is charged on the borough rate. It follows from the multiplicity of authorities and confusion of areas which I have already adverted to, that it is impossible to fix on any given area, and to say what is the total expenditure or debt for that area. To take, for instance, a given parish. Part of it may be in one county, part in another; part in a rural, part in an urban sanitary district. No such thing as a local budget is possible. In France, every department, every arrondissement, and every commune has its annual budget. The evils resulting from the English system, or want of system, are patent. No efficient control can be exercised over expenditure, nor can any useful comparison be instituted between the expenditure of different places. The multiplicity of authorities calls for the services of an immense number of individuals. The consequence is that quality is sacrificed to quantity. A sufficient number of capable men are not available. Moreover, the minute subdivision of functions prevents good men from coming forward. Where local elections are numerous, you cannot get the electors to take the same interest in the contests. A further evil is the multiplication of administrative officers. In short, our existing system is extravagant in time, in men, and in money.

The statement of these defects suggests the general direction which reform should take. Some given area should be chosen as a unit. The unit of area should be the same for all local purposes, and larger areas should be exact multiples

or aggregates of that unit. Mr. Goschen's Bill of 1871 proposed the parish as the unit of area, and I venture to believe the suggestion was a sound one. It would, I think, involve 'the least possible disturbance of existing arrangements and interests.' Among other advantages, all rates could then be collected parochially in the same manner as the poor-rate. It would, however, be requisite that some central authority should have the power of amalgamating very small parishes and subdividing large parishes, when they cut the boundaries of counties or urban districts. As regards the larger areas, a distinction must, of course, be drawn between rural and urban districts. In urban districts, the average population is rather more than 4,000 to the square mile, while in rural districts the average is 157 to the square mile. The urban districts therefore require a more elaborate system of government than the rural districts. But I see no reason why all the functions of local government in an urban district should not be divided between the urban authority and the vestries. In a municipal borough the town council are the sanitary authority. Why should they not also discharge the duties of the guardians, the burial board, and the school board? The council, of course, could act through committees, and the concentration of officers and information in one central office would greatly lighten the work to be done. If, however, the duties of the council in such case would be too onerous, some portion of their functions might be delegated to the vestries. I know not how far it might be practicable or desirable to confer a municipal organisation on all urban districts, but in many respects it would certainly be advantageous to do so. More prestige attaches to it than to a local board, and, as a consequence, a better class of men come forward as candidates. In rural districts, I should think an intermediate area would be required between the parish and the county, but I should think a threefold authority was amply sufficient, and that all the functions of local government might well be discharged between the county, the union, and the parish. The consequent redistribution of functions would involve giving additional powers to the county authority. If this were done, public opinion would require that the county authority should be a representative body.

I have briefly indicated the general nature of the reforms which appear to be needed, without going into controversial details. My object has been rather to call attention to the general conditions of the problem, leaving it to abler and

more experienced minds to work out the appropriate solutions. If I have succeeded in showing the importance of the questions involved, and the need for dealing with them comprehensively, I have done all that I desire to do or am capable of doing.

DISCUSSION.

The Rev. ABNER E. BROWN (Wadenhoe) agreed with Mr. Leach that the first condition of local government, if it were to be permanent, was that every householder should have a vote, and that every vote should have an equal power. Mr. Brown, however, was strongly opposed to the tendency which he thought appeared in Mr. Leach's paper, to resolve all hues of political thought into two discordant ones (*e.g.* Liberal and Conservative), one of which was then to combat and efface the other. He warmly advocated the representation of all shades of opinion, by means of the cumulative vote or otherwise, with the view of ultimately harmonising them, whenever possible, as the result of discussion. There would, no doubt, be a general concurrence in the view that the county was the true area for the supreme local authority, and also that all the functions of local government ought, in some way or other, to be concentrated in the same hands. School management and attendance might well be placed under the control of the county board, or of the district board or union, if such subordinate authority existed. The suggestion that the township should be the rating area for certain purposes, seemed a sound one, because it might happen that some parishes were more in need of school accommodation, for instance, than others, and it would be manifestly unfair that one should pay for what another especially benefited by. With regard to the river area, he urged that by a plan similar to that adopted internationally, *e.g.*, for the Danube (as the President of the Department had explained in his opening address), the different counties concerned should choose, from amongst their various boards, members to constitute a joint committee for the management of the river area.

Mr. J. VESEY FITZGERALD, Barrister-at-law (London), approved of the simplification, as far as practicable, of the number of local authorities. On the whole, he considered that the county was the best area of government, and the parish of election. He also thought that the opportunity should be taken to correct the county boundaries, and get rid of the 'islands' or portions of counties properly belonging to other counties by which they were surrounded. The election of representatives of parishes to serve on the county board, with considerable powers to supersede school boards and poor law guardians, would tend to simplify local administration, and promote economy by getting rid of a certain number of officials. On some points he thought Mr. Leach's paper went too far. Annual elections would not be conducive to good administration, because of the constant change they would

involve in the constitution of the county board. If at the mere whim of the electors (many of whom did not understand what was required in efficient administration), men of experience were displaced, instead of being retained just when their practical knowledge was most valuable, confusion would arise from the removal of the greater proportion of the governing body, and the state of affairs would be worse than at present. The same reason applied to county justices: if their election were to be left to chance, there would be county boards, in some instances consisting in a great degree of persons with insufficient experience. No scheme would be efficient that did not provide for a certain number of *ex officio* members being on the county board. Whether they should be county justices or not was a matter of detail which might be settled when the question of principle had been determined. So far as experience in Ireland went, a board simply elected by ratepayers, and without the members having any other qualification, had not proved to be a good governing body, and this was especially true of boards of guardians in Ireland. Even in the superior local bodies—the town commissioners—in that country, the administration was much more expensive than it would be if an *ex officio* element were introduced into the constitution of such boards. Therefore, he held that, on the ground of economy as well as efficiency, *ex officio* members should be associated with elected representatives on local governing boards.

Mr. James Solly (Edgbaston), who had for thirty years been on the Commission of the Peace for Staffordshire, said that for some years he had thought it highly desirable, in the parish of Tipton, where he lived till recently, and in which his works are situate, that there should be a consolidation of three boards, viz. the board of health, the school board, and the board of guardians (or at least the allotted portion of the latter), and should be elected simultaneously in the parish. His belief was that such a combination would prevent considerable expense, a good deal of trouble, and a large amount of friction; possibly also a superior class of men to serve upon such a board might be secured. However, the scheme which he had advocated might now be set aside by the new county board which he, for one, hoped would come into operation before long. As to its constitution, he had no clear idea of his own. He presumed that it would meet in the county town, and that the various localities comprised within the area of government would send their elected representatives to it. If so, the latter point would give rise to one difficulty at least which was apparent in the practical working of the quarter sessions system. The distance of the county town from the different districts included within its area varied very considerably, and the attendance of justices was affected accordingly, the consequence being that a large proportion of those present were from places in the neighbourhood of the county town, and the average attendance was comparatively small. This was fortunate, however, because if all were to attend, the court would not be big enough to hold them. The necessity of constituting a new board was demonstrated by a circumstance which had happened in his own parish. A largely attended meeting of ratepayers, duly convened, unanimously

adopted the Free Libraries Act more than eighteen months ago; and yet, up to the present time, the local board, notwithstanding the pressure put upon them, had persisted in the refusal to give effect to the resolution of the ratepayers' meeting.

Mr. J. H. Levy (London) congratulated the Association upon their having obtained so excellent a paper as that read by Mr. Leach, who had presented to the Department an excellent basis for the discussion of the whole question, and at the same time a valuable contribution towards solving the difficulty. In proposing that the elections should be annual, and also complete, Mr. Leach had rightly assumed the acceptance of the democratic principle. It was useless in these days trying to go behind that principle, or endeavouring to round off, or to invalidate it. No one had any right to speak of the 'whims of the electors,' for electors were entitled to their whims, and also to make mistakes, like anybody else, if they were only prepared to pay for them. He (Mr. Levy) also contended that persons at present elected as members of the school board, of the board of guardians, or of any of the other local bodies, should not be disqualified from sitting upon the boards suggested by the writer of the paper. If that principle were not accepted, then women who at present served on school boards, for instance, would be excluded from the new bodies, and in his view that would be a distinctly retrograde step, and no advantage which would be derived from the formation of the proposed new boards would compensate for that exclusion. Care should especially be taken not to divest local government of one of its most important functions, viz., the control of police. There were many signs of an intention on the part of the central government gradually to nibble away the power which local government at present possessed. As at first introduced, the Police Superannuation Bill passed over the local authority in regard to ultimate control over superannuation, and sought to hand over the power to the Home Secretary. That was the thin end of the wedge which, if driven home, would have disintegrated local government in such affairs. A similar attempt was made in the London Government Bill, which reserved to the Secretary for the Home Department the control of the police under the new municipality, with the exception of the small area called 'the City of London.' Not only so, but it provided that a contribution of money should be made from the central government towards maintaining the City police. What did that mean? Dependence always means subjection. It was apparently the first step towards obtaining the complete control of the London police. The central authority would not think of contributing towards the maintenance of the police without claiming a right to say something as to its control. Local bodies ought, therefore, from such experience, to learn to put themselves on their guard against the blandishments of the Home Office; otherwise, if they accepted the sugar plums of the central government, they might have to pay dearly for them. With reference to rates, he regretted that Mr. Leach had not gone into that question, because it was one which was inseparable from the subject of local government. He thought all persons would agree that, although it was a right principle to give A and B control over their own contributions,

whether for imperial or for local purposes, it was not just to give A and B the power to tax C for their own purposes. He held it to be a principle of political economy that rates, in so far as they were imposed on land, did not fall upon the tenant who paid them, but upon the *original* landowner. If they gave to the inhabitants of a county generally the right to impose this tax, they gave with it the right practically to mulct the present landowners to the capitalised value of that tax. If Mr. Leach had proposed some drastic measure on the question he would have supported it. Had the writer of the paper held that the hereditary burden on land should be calculated once for all, and made a permanent charge for all future time, that any contributions levied for local government purposes not provided for by this should be imposed on all occupiers in townships or county, then his position would have been unassailable.

Mr. W. Hussey (Edgbaston), Secretary of the Birmingham United Kingdom Alliance Auxiliary, concurred in the desirableness of having not only an area of the county, but an area of the township, so that there might be combined with local government the principles of centralisation and of decentralisation. With regard to the suggested extension of township areas for the regulation by the county board of the liquor traffic, that and other alterations indicated by the writer of the first paper would be attended with great difficulties, which might be illustrated by the borough of Birmingham. In one ward alone there were no less than 7,000 electors. Supposing that these were desirous, in the interests of economy and of public morality, to restrict the liquor traffic in that ward, it would be unreasonable, in his view, that they should be prevented from giving effect to their wishes unless they secured the assent of the rest of the population of the borough, viz. 400,000. A system which presented such a serious drawback was not sufficiently elastic. As to the present judicial system, one of its most pernicious features was the discretionary power vested in magistrates, at any rate so far as its exercise affected the large masses of the population with respect to the limitation of the sale of intoxicating drinks. That would furnish an objection to the system sketched by Mr. Leach. Facts brought before Parliament proved that the administration of the licensing laws by the justices had been a huge failure throughout the country. The fact that they renewed every year 130,000 licences, was sufficient of itself to condemn the present system. The writer had assumed that the justices had regulated satisfactorily the liquor traffic, and therefore county boards would be able to do so. Was it not a fact, however, that justices' licensing administration had been a failure? Were not the abounding evils everywhere resulting from the liquor traffic patent to everyone? Regulations by justices had multiplied temptation to its maximum, without any regard to the wishes or requirements of the people. He contended that whether the licensing authority remained in the hands of the justices or was vested in municipal or county bodies, it was essential that their functions should be confined to administration, and that provision should be made by which the inhabitants themselves, who were the immediate parties affected, would

have the power of instructing the authority to withhold the grant or renewal of licences. The multifarious duties which would devolve upon the county boards, as well as town councils, such as sanitary, highway, police, education, licensing, rivers, and so on, required some division, if all this labour were to be adequately discharged. As Mr. Hastings had pointed out a year ago, the question of the liquor traffic at elections would by such a scheme be complicated with many other diverse and vital issues, with a result that would retard and vitiate the settlement of that and every other municipal and county question. There might be ten questions before the electors, upon nine of which each candidate might not be capable of efficient administration: one man might, for instance, be competent to administer on the liquor question, but incompetent as regarded others, in which case he would sacrifice the interests of the ratepayers with respect to the remaining questions. That was not a system which would be in harmony with the weal of boroughs or of counties. Subdivision of labour would be necessary. The School Board of Birmingham could not be so well managed as it was at present if it were mixed with other matters connected with borough government. They had a striking illustration of that view of the case in connection with the Birmingham Corporation Improvement scheme. There were few more intelligent and enterprising corporations in the country than that of Birmingham, and few ostensibly more favourable to temperance considerations. But although they were carrying out an Improvement scheme costing more than a million sterling, which scheme was initiated in part to get rid of the temptations to drink, and although in its earlier stages the corporation had placed on its minutes provisions by which all leases granted on the scheme contained prohibitory clauses against facilities for the liquor traffic, yet the temptation to get abnormal rents from liquor sites induced the corporation to override social and moral considerations and to sanction extensions of licensed premises which, if carried out in the same ratio in respect to all the licences which the corporation have in their hands and purpose retaining, would involve an increase of area of licensed houses on the Improvement scheme amounting to nearly two acres. In connection with that scheme the Improvement Commissioners had paid over a money value equal to 360,000*l.* for fifty-five public houses, the average rental of which was 47*l.* per house. And yet, when the report on that transaction was formally presented to the council, it passed without a word of discussion. These illustrative instances showed the urgent need of providing, in any system of local government, for opportunities of dealing distinctly with complicated questions such as the liquor traffic.

Mr. Commissioner Miller, Q.C., LL.D. (London), thought that the opinion was unanimous that it was desirable to institute some local bodies or other with large functions, and as far as possible to charge them with all the duties which at present devolved upon a number of various bodies. In one particular he differed from the last speaker. One of the great advantages of a county board would be that, inasmuch as it would have a variety of functions to perform, its members would not, as a rule, be elected to carry out the views of the electors upon any given

question. It would be a great misfortune if, in any locality, such a prominence were assigned to a single subject in the minds of the majority of the electors that the members of the board should be chosen to give effect to the opinion of that majority on that isolated question rather than to administer the affairs of the district generally. Although there was a concurrence of sentiment as to principle, they had not made a sufficient advance in the consideration of the question to render the discussion of details advantageous; indeed, the divergence of view as to details was very great. Therefore, he would abstain from entering into such matters as the constitution of the boards, the manner of election, or the length of time the members should serve. As these bodies had more of an administrative than of a legislative character, it was important that their action should be continuous, and to a certain extent founded upon fixed principles. He was quite certain that without such continuity the administration of the district would soon be in hopeless confusion. He wished to guard himself against endorsing the opinion that principles which would be thoroughly adapted to the constitution of such boards in this country could be extended to Ireland; or that the principles which governed the constitution of similar bodies in Ireland could be taken as affording a precedent for England. It should be remembered that such a body, elected by English ratepayers, would be chosen by persons who, on the whole, would desire the law to be administered for the benefit of the district. It would have all the advantages and all the special virtues of a democratic body, *i.e.*, it would be energetic, patriotic, and single-minded. It would unquestionably have, also, all the disadvantages and vices of such bodies, *i.e.*, it would be impulsive, impatient, and easily moved by sentiment. But such a body might be trusted, on the whole, as soon as its members had attained sufficient knowledge. In Ireland the representatives of similar bodies would be actuated by widely different motives. Their object would be to bring the law into disrepute, and to use it for certain party jobs: they would not want to administer the affairs of the district with even reasonable efficiency or common purity. Therefore he maintained that the system of election, which had admittedly failed in Ireland, would not necessarily fail in England, and *vice versâ*. With reference to the persons to be elected, he would let the ratepayers choose whom they liked; any attempt to impose any qualification other than the will of the electors would lead to no good result. He could not concur in the suggestion that the members of the board should be *ex officio* magistrates. It was true that certain judicial functions had been, in deference to precedent rather than to sound principle, entrusted to the mayors of corporate boroughs, but he was of opinion that tenure of office should not of itself qualify for any judicial functions whatever, though it might be desirable, as a rule, and subject to the discretion of the Lord Chancellor in any particular case, that the mayors of boroughs should be nominated as justices of the peace, it being taken for granted, on his attaining the office of mayor, that a man was a person whom it would be right and proper so to nominate; but he for one dissented from the idea that a man ought to be entrusted to-day with judicial functions which would be taken from him to-morrow, not by reason of his fitness

in the first instance, nor of his unfitness in the other, but because of his acceptability, or the contrary, to a popular body for reasons totally irrespective of his judicial qualities.

Mr. ALDERMAN MARTINEAU (Birmingham) said the office of alderman had given him some experience in matters of local government, and had led him to conclusions which to a great extent agreed with those embodied in Mr. Leach's paper. He could not, however, approve of annual elections for the proposed boards. The working of local bodies, especially those conducted on a large scale, showed that years were required to enable one to master the affairs of such a corporation as that of Birmingham, and to take a useful part in their administration. If a member were to be elected for only one year, his inability to obtain and practise a knowledge of affairs would be disastrous. There were great undertakings in connection with the Birmingham corporation which were relegated to committees. The schemes involved the control of property worth millions of money. If, upon an election, a large number of members serving on such important committees were obliged to discontinue their labours, it would be next to impossible for the newcomers, having no previous knowledge, to administer those great undertakings. He fully accepted the democratic view of Mr. Hussey, that in these, as in public matters generally, the will of the ratepayers should have full expression in the representation. The system of election in boroughs had worked satisfactorily. A member, on being elected, served for three years, and had therefore sufficient time to become acquainted with affairs, while every year the ratepayers had an opportunity of giving expression to their views on local questions. He agreed that great advantage would accrue from amalgamating several offices in one governing body, not the least important of which was that the best interests of the ratepayers would be promoted by securing the services of the most competent men in the community. That combination would have the effect in boroughs of obviating the treble election which now took place, viz., one for the town council, one for the board of guardians, and one for the school board—the last occurring once in three years, and the first two annually. So long as the electors made choice of a person to represent them, there ought to be no disqualification, either on the ground of property, occupation, profession, or religious views. If this principle were admitted, it would dispense with the bad rule which at present shut out clergymen and other ministers of religion from town councils. Good as was the tone of the Birmingham town council, he believed it would be raised if, as the governing body of the borough, it had charge of public education. Already, the town council had a certain control over education, as it had the management of the Industrial School. It would be well also to bring into the same focus the elementary education at present under the direction of the school board. This additional responsibility with regard to education would draw into town councils a superior class of men. The unit of authority was undoubtedly a most difficult question. In any change which might be made the first step would be to settle the boundaries of boroughs. He did not think the township or parish was the best unit; it seemed rather too small for the purpose. If the

union were adopted, exceptions would have to be made, because, in the case of Birmingham, for example, the parish was not conterminous with the borough. Such exceptions would be numerous, and they would have to be taken into account if the union were chosen as the unit. The question was so beset with these difficulties that he believed the wisest course would be for a commission to go over the whole country and rearrange the areas, and so settle what the unit of authority should be. The question of borough boundaries called for particular attention. The boundary of the borough of Birmingham was very curious; it ran out at so many different angles that it resembled in shape the three legs which usually served to designate the Isle of Man. The interstices between these points were filled in with urban districts, which were undistinguishable to any person who walked from one to the other. The whole was practically a continuous town. In such a case surely the interests of good government demanded that the same policeman who had jurisdiction on one side of the street should have it also on the other, and that the rule as to the inspection of public-houses should apply to both sides of the road, instead of having two separate systems in operation in the same street. He instanced the case of Liverpool, where, as he was informed, an attempt to make a most desirable increase of the borough boundaries had failed, because the necessary consent of the inhabitants was withheld, notwithstanding that they enjoyed all the advantages of contiguity. In settling the boundaries of boroughs the interests of good government ought in the first instance to be considered, and the present rule that the consent of the districts it was proposed to include should always be obtained, must receive some modification. The boroughs must be properly defined before the boundaries of the rural districts could be dealt with.

Mr. E. O. Smith (Town Clerk of Birmingham) agreed that the petty sessional division was not to be thought of for a moment as the unit, that the hundred was entirely obsolete, and that the proposal for new wards hardly deserved consideration, having regard to the enormous cost involved in such an alteration, and to the general disestablishment of existing local government officials. All experienced persons were agreed that for purposes of local government the county, as an area for most administrative objects, was far too large. On the other hand, he held that the parish was too small. He had acted as the legal officer of a large union in Warwickshire. Owing to its proximity to Birmingham, a great amount of labour devolved upon the board of guardians. The duties arising under the poor law were onerous enough of themselves, but by far the most important work which the local authority had to do was in consequence of the passing of the Public Act of 1872, and the Consolidating Act of 1875. The work was performed to the satisfaction of the ratepayers and of the Local Government Board. The systems of sewerage adopted were thorough, and, although costly, the whole of the money was, he believed, wisely and properly expended. In one parish alone no less than 40,000*l.* was spent on sewage works, in another about 10,000*l.*, and in a third 5,000*l.* The union which included these parishes was obviously an important one, and it might be taken as a typical union

of the future. The population of the three parishes was respectively 10,000, 5,000, and 3,000, besides seven smaller parishes. At the time his paper was published at the request of the Local Government Board Inspector, and subsequently printed in the Local Government Board Report, the population of the whole union was about 20,000, the rateable value 150,000*l.*, and the area 46,000 acres. The union was established for poor-law, sanitary, and educational purposes, and these duties the local authority were able efficiently to discharge. If all this machinery in the 600 unions were disestablished at once, a great loss would be inflicted on the country. If the union which he had instanced as a typical one were merged with a dozen others meeting, say, at Warwick, the people living at a distance would soon get tired of going to the county town to transact the business, and in course of time the affairs would fall into the hands of a few gentlemen who happened to reside in the neighbourhood surrounding Warwick itself. He did not think that, as a rule, the representative men in every union would undertake the journey to the county town. Therefore the close local supervision desired by the author of the first paper would not be obtained in regard to county affairs. On the whole, as the parish was too small, he held that the union, advocated by Mr. Rathbone and other competent authorities, was the best primary unit of authority, subject, of course, to the control of the county board in such matters as main roads. If the parish were adopted as the unit, being so small there would be difficulty experienced in obtaining efficient officers, and even if obtained their payment would involve an unnecessary burden on the ratepayers. The union had already been selected for most administrative purposes, and had attached to it very large functions, and for the reasons he had mentioned he would urge its claims to adoption as the primary unit of authority in rural England.

Mr. W. Hoyle (Bury), who had taken a great interest in the question of local government for the last thirty years, said his experience led him to the conclusion that the union was the best unit. He held that the administration of counties should, to some extent at least, harmonise, so that the various localities might be enabled to execute valuable works of public utility. In his own district, it was proposed to run a tram-car through a village; the street was so narrow that opposition was raised to the scheme, and no less a sum than 400*l.* or 500*l.* was expended by the opponents who had to appear before Select Committees of the two Houses of Parliament. If there had been a county authority, only a tenth of the expense would have been incurred. With regard to the licensing question, members of boards of guardians could testify that nothing conduced so much to the pauperism existing in the country as the liquor traffic. There was no social question which could compare with this one in importance. Mr. Gladstone had stated, a year or two ago, in the House of Commons, that the evils of intemperance arising from indulgence in strong drinks blocked the social progress of the country. The question was most important how, in any system of local government which might be devised, should the powers of the government be given so as to deal with the licensing of

public-houses? During the spring of the present year he had visited the United States, and had considered the various systems of local government there, with reference more especially to intemperance and education. In Massachusetts, perhaps the most enlightened intellectually of all the States, a considerable portion of the country was more under the dominion of the rum power than was any other State he had visited. The reason was that the licensing power was in the hands of the municipality, and the liquor party was in the ascendent, and whenever there was an election, political parties coquetted with the influences which for the moment would help them into power. In one city, Fall River, although deluged with rum saloons, candidates for election promised to increase the number of licences, because they thought they had no chance of being returned unless they coquetted with the rum power which was so dominant there. The consequence was that the rum saloons were being increased in number and the people demoralised. This was the deplorable condition of things, not in one but in several of the States of America. Whatever might be the licensing authority of the future, he held that it should be empowered by Act of Parliament to carry out the wishes of the people in the various townships in regard to the restriction of the sale of intoxicating drinks. In the township where he had been a poor-law guardian for ten years the numerous liquor shops formed a serious barrier to progress, and if the local authority had the power, they might considerably diminish the number with social advantage to the community. Why should not the people, as they grew in intelligence, be able to develop it into self-government? Why should they not be permitted to protect their own interests as much as a gentleman was allowed to protect his property? In his view the best form of government was that which, while providing checks to prevent dissoluteness, gave the fullest power of development to the people as they became enlightened, not weighting them with the shortcomings of other districts, but enabling them to protect their homes from the demoralising influences of the liquor traffic. Reference had been made to Ireland in its present condition; but, in discussing general principles, they needed for the moment to forget exceptional circumstances and to adopt such measures of legislation as accorded with those principles and suited the requirements of mankind and the country as a whole in their normal state.

The President of the Department (Mr. Westlake, Q.C., LL.D.) remarked that as the principles of the subject of local government formed a considerable part of his Address as President of the Department, he was relieved from the necessity of continuing the present discussion much longer. He was glad to find in Mr. Leach's paper a statement of principles with which he was himself in almost thorough agreement. The only point as to which he would express dissent was that relating to the mixture of political considerations with local elections. With regard to the primary unit, he did not approve of the parish for that purpose. Thousands of the rural parishes in England were too small to contain either the intelligence or the public spirit necessary for carrying out the primary administration, even under the supervision of a county board and in

subordination to it. Where the intelligence did exist, it was often connected with the ownership of property, which gave to the owner an interest not always identical with that of the district, especially if, for improvements in the district, his property were heavily burdened, though not unjustly or intentionally. The union, speaking generally, would have to be the primary unit. He was not sure whether the Town Clerk of Birmingham (Mr. E. O. Smith) intended his primary unit to act in the degree of subordination in which he for one thought it ought to act, to the county board. If Mr. Smith held that opinion, they were at one on the point. A very difficult question was, in what manner the new system of county government to be established was to work with the municipal system existing in boroughs, or how far the latter could be altered with a view to the attainment of the end? That appeared to be especially a part of the subject on which the final degree of perfection would not be gained except by a series of steps. The ultimate aim, in his opinion, should be to bring certain of the smaller boroughs under the county system as primary units in themselves, and to bring the smallest ones together with a number of parishes respectively surrounding them as primary units under the county system; although he owned that the smaller boroughs would be very reluctant to relinquish their autonomy. He agreed that property as such should not be entitled to any special right of voting even for local purposes. He had always been unable to see the distinction which many political authorities tried to draw on that point. Government, whether national or local, was directly over persons. Its principles were the same in either case. The class of subjects with which it had to deal differed much more in importance than in kind. The benefit to the public was the aim to be kept in view, whether on the smaller scale or on the larger; and the public was, in the long run, the best judge of that benefit. Therefore he agreed that special representation of property for local purposes ought to be abolished.

Mr. A. F. Leach, in reply, considered that many of the objections made to the proposal to establish county boards and to constitute them by annual election, and by a single vote, suffered from the fatal fault—distrust of the people—which Mr. Gladstone, across the table in the House of Commons, had so strenuously asked the Conservative party to put away. One must trust to the ordinary common-sense of the ordinary Englishman in these matters. The licensing question was undoubtedly one which would demand the attention of the county government. The particular point as to whether public-houses should be allowed to exist at all was also one which the same authority might determine; there were [illegible] difficulties [illegible] prohibition in a small than in a [illegible] people would have a b[illegible] which he pro- [illegible] rd for a [illegible] there, in [illegible] different [illegible] n Clerk [illegible] rough and

county boundaries, there were many cut boundaries of counties and boroughs, and no doubt a large number of unions should either be annexed to large boroughs or be resolved into separate boroughs themselves. Whatever unit was adopted, the appointment of a Boundary Commission would be necessary, and whatever system came into force certain union officials would have to be dispossessed of their functions, or they would have to be merged into the staff of the county board. The objection had been made that a man, if elected for one year only, would not have time to master affairs. An ordinary representative would not attempt to take a very active part at first, unless some great question should arise, and if a fit man he would probably be re-elected, in which case he could utilise his knowledge and experience. Members of Parliament generally observed that rule. He did not share the opinion that when ten questions were brought forward nine were sacrificed to the most paramount one. It was not so in the case of Parliamentary elections. Generally Parliament was elected on a particular question. On the last occasion it was a question of foreign policy, and in view of the next election a cry connected with home policy was being raised; but it did not follow that the less prominent questions were neglected. On the whole the man who was in harmony with the majority of electors on the one prominent question would be in harmony with them also on the other nine.

TITLE TO REAL PROPERTY.[1]

Is it desirable to introduce into the United Kingdom an Official Record of Rights and Interests in Land such as exists in the Australasian Colonies? By R. DENNY URLIN, M.L.S.B., formerly Examiner under the Landed Estates Act, Ireland.

IT is extremely difficult to bring the English mind to the point of making any important change, however necessary, unless much of interest and even of excitement surrounds the question. It needs the stimulus of party feeling, manifested by public meetings, catchwords, newspaper articles, and more or less of the details of public agitation. Without such factitious aids free trade in imported goods would never have been secured; without them there seems to be small prospect of ever obtaining free trade in land.

English law being, from historical causes, a science which the public at large knows nothing about, and even regards [illegible] necessary changes in the law are more difficult [illegible] any other. This has always been the case. [illegible]ness with which our Criminal Code was

[1] 882, p. 209; 1881, p. 239; 1878, p. 199; 1873, p. 205; *Proceedings*, vol. xrii. No. 2, 1884.

ameliorated and made more rational and intelligible, though to this day never made completely so. Witness the fact that it took more than twenty years to reduce the practical evils which the concurrent and sometimes conflicting systems of law and equity inflicted on suitors—twenty years after the period when all the argument had been one way and there was not left a single defender of the old system. But of all the branches of law the law of real property is, in the public estimate, the most mysterious.

Where indeed the public mind can grasp a question, becoming thoroughly alive to it without much professional aid, there is more rapid movement. It did not take long to substitute the locomotive for the mail-coach; and any ordinary man acknowledges at once that gas is a vast improvement on oil-lamps, and that electricity is likely to be a vast improvement on gas. These are topics on which the ordinary British mind exercises itself freely. Where improvement in our laws is concerned all is different. A cloud of mystery envelops our legal system; and the Englishman dares not to use his own common sense, so strong is the habit of not using it, but of leaving the field to the professional class. As the traveller in a strange and difficult country entrusts himself wholly to his guides, so our countrymen are content to be without ideas or persuasions of their own, giving themselves blindly to the guidance of those trained to explore the intricacies of our so-called jurisprudence.

This seems to impute some degree of blame to the profession which holds the key of legal knowledge, and therefore it is desirable at the outset to say most explicitly that the accusation is not of a very grave description. There may possibly be some amongst them who resemble those artificers of the Temple of Diana, who feared that their craft was in danger. But the majority of legal practitioners, like the guides of travellers in a wild country, prefer the beaten paths —the accustomed ways—simply because they know and understand them. Strong is the influence of early training and of long-continued habit. This may account for the fact that a small proportion only of the lawyers are found to favour Transfer by Registration of Title.

Another peculiarity of the English mind is that it requires some great catastrophe to arouse it to action. Theatres must be burned down before steps are taken to provide adequate doors of exit; and a holocaust of railway and steamboat passengers was required before the use of efficient breaks, safety-valves, and such like appliances was

made compulsory. Minor losses and misfortunes happening to a few obscure people are insufficient to influence the public mind. The catastrophe must be large, and individuals or institutions of high position must be the sufferers. If the Bank of England were to lose largely by one of those frauds which the present system of making out title and transferring land renders so easy, the solution of the question would, to a certainty, be expedited by several years. But nobody cares that Downs should have succeeded in mortgaging his little property to a dozen different persons, each one quite unconscious of the other transactions; and that many others have committed frauds, though not quite so elaborately. These narratives have not impressed the public mind—they are forgotten, only now to be found by digging amongst old newspaper paragraphs.

When an ingenious owner of land, in want of money, divided his numerous parchments into two bundles, and pledged each bundle, by way of equitable mortgage, with a person who was quite unaware of the other transaction, and thought that he was the sole mortgagee, the fraud caused amusement rather than consternation. If the trickster—whose originality one cannot but admire—had by this method defrauded the Chancellor of the Exchequer and the Duke of Cambridge of a hundred thousand pounds apiece, we should instantly have had an Act for rendering such frauds impossible. Leading articles would have appeared in all the journals, and questions would have been put in Parliament; and the executive Government, laying aside the familiar, well-worn excuses for inaction, would have been compelled to interfere. But the sufferers by frauds have not been in a position to demand attention; and the far more numerous victims of the working of a tedious and costly system of Land Transfer have borne their grievances patiently. The sympathy of the people at large has not been evoked in their behalf; and the only attempts made by Parliament to help them have been of a halting, feeble, and ineffectual kind, as will hereafter be shown.

More than twenty years ago the attention of this Association was called to the great disadvantages which beset the purchaser of land as contrasted with the purchaser of railway stock or almost any other description of property. The Royal Commissioners of 1856 had gone into this, and their often-quoted statement may be repeated:—'When a contract is duly entered into the investigation of the title often causes not only expense, but delay and disappointment.' Lord

Cairns, when Solicitor-General, introducing his bills for founding (in effect) a Landed Estates Court for England, pointed out with his usual clearness that the purchaser's grievances did not end when the delay and expense of the investigation of title had been undergone. Soon after the close of that transaction the purchaser desires to mortgage, and 'there is a repetition of the same process which took place upon the purchase.' In other words, there is no finality, and on each separate transaction, however short the interval may be, there are the same inquiries to be made and answered and the same searches to be repeated.

Some persons have endeavoured to show that most of the evils of the present system may be remedied by the establishment of a general register of deeds. It is scarcely worth while to refer to this fallacy, so frequently has it been exposed. In the speech referred to Lord Cairns said of a register of deeds, 'It would not simplify title in the least. It only puts on a formal record the whole of that multitude of deeds and conveyances of the extent and complexity of which we already have so much reason to complain. You have to investigate and search as before: in addition to that, you have to pay for searches in the register, and also to pay, in some shape or other, the expense of placing the deeds upon it.' If this antiquated and useless kind of remedy had anything to recommend it, we should find that Middlesex and Yorkshire were preferred to other counties by intending purchasers. Experience shows, on the contrary, that no value is set on the deeds-registry, while the expense of all transactions is appreciably increased in those counties, without any corresponding benefit to those concerned.

The Middlesex registry has been in the plainest terms condemned, and its closing recommended, on the high authority of the Royal Commissioners of 1868. The office is in some respects on so unsatisfactory a footing that by general consent 'something must be done' with it; and a bill was introduced by the Government in the late session for amending and continuing that registry. The bill was dropped, perhaps owing to very strong representations made to the Attorney-General by a deputation from this society. The statement drawn up and submitted to the Attorney-General on that occasion is a document of great value, and it is printed in the 'Sessional Proceedings.' I recommend its perusal to any one who is unconvinced.

Of the Yorkshire registries I have no personal knowledge, but they may be presumed to have all the incidents and con-

sequences of that in Middlesex. Both are under similar statutes of the reign of Queen Anne.[1] The Middlesex registry has the effect of making every sale or other transaction more expensive, while it adds little to the security of any title. Owing to the enormous development of London in recent times, and the vast number of building leases granted to a few persons, the Middlesex registry has often broken down from its own weight; and a practice has arisen of simply ignoring it, and dealing as though it did not exist, if not always, at least when 'Cubitt' or some other well-known leaseholder appears on the title. Rather than face the consequences of such a search, and the difficulty of discriminating between some hundreds of plots of building land and the plot involved in the given transaction, the purchaser foregoes a search, and contents himself with the guarantee afforded by the character of the Cubitts and of the other persons dealing with him. This dispensing with a search in the registry is as if a bridge over a river were so constructed that the traveller found it more expeditious to wade through the stream than to use the bridge.

When registration of title—a wholly different thing from registration of deeds—was first proposed, it was very fairly and appositely urged on its behalf that the system already existed with regard to all Government and railway stocks, shipping property, and property of various other kinds. A plausible objection often made in those days, and one which may even now be revived, requires some notice. It was said that a holder of stocks and shares is content with that exact amount of property, without caring for the absolute identity of the lot which he has purchased. One thousand Consols is as good as any other thousand of the same denomination, whereas the purchaser of an estate wants to have and to hold the particular estate and no other. The difficulty of registration, it was said, must be enormous where the title to each particular plot of ground was involved. That it is more difficult to register the title of a given field than of a lot of Consols or railway stock may be conceded. But this is, after all, nothing but a matter of official mechanism; and experience has amply shown that with the aid of maps (which are essential to any good system of registration) the register may be as accurately and safely kept in the case of land as in the case of any other property.

At first sight, the registration of ownership of shipping

[1] An Act passed late in the Session of 1884 repealed and re-enacted the Yorkshire Act.

property would seem peculiarly difficult and liable to error. A ship may legally be divided into sixty-four shares, and in fact is frequently divided between thirty or more owners. It is a common thing at Cardiff and other ports to build a steamer, and sell half of it in shares to a number of persons, the builders retaining the other half. The fractional shares are often sold and transferred, the legal act of transfer from A to B of a share being completed by the entry of the name of B, in place of the name of A, on the registry kept in the Customs office, and not by the contract, even though accompanied by the payment of purchase-money. Now it is more difficult to identify a ship than to identify a farm—the latter is unchangeable in its outline; and a good map, either ancient or modern, will usually serve for its identification. As the Ordnance Survey on a large scale makes rapid progress, the ease of identification of the subdivisions of land increases. A ship, on the other hand, is not stationary, and does not always present the same appearance. The vessel may be lengthened by fifty feet, and there may be three masts instead of two, and the very name may be changed, and she may sail away to the Chinese seas. Yet she remains on the registry one distinct and self-contained item of property, divisible by an easy process into many shares. If all the rights of all the owners of this changeable and ubiquitous thing are capable of registration, why not the ownership of a farm which never moves away, never alters its boundaries, and always retains its name?

There is a special reason for regarding with interest the registry of shipping; for it was an official connection with such a registry and a knowledge of all its capabilities which, more than a quarter of a century since, led the mind of Sir R. R. Torrens to the conclusion that an analogous office might safely, and with vast benefit to the empire, be opened for dealings with landed property. Fortunately he was in a position to give effect to his carefully formed opinion; and in very few years he had established a system of registration of land in South Australia. With slight modifications of detail, the principle remaining untouched, that office has gone on absorbing the land of the colony, and superseding the older method of conveyancing borrowed at the outset from the mother country. What is now known all over the world as the 'Torrens system' of land transfer by means of registration of title has made rapid progress. It was introduced into Queensland in 1861, into Victoria and New South Wales in 1862, into Tasmania in 1863, into New Zealand

and British Columbia in 1870, and in Western Australia in 1874. Later still Fiji has adopted the system, while it is almost certain to be before long brought into operation in Canada and the Straits Settlements, and even in Algiers. The fact that much of the land was at that time in the possession of the Crown was of course in favour of the easy initiation of a land-registry, for Crown grants went upon the registry *ipso facto*. This special advantage of a number of direct grants of land guaranteed by the State existed in Ireland under the operations of the Estates Court, and therefore a registration of title was comparatively easy. The advantage has there been thrown away. In England no such special advantage exists, as Crown grants are rare; and an investigation of the title must of course precede the entry of property on any guaranteed or indefeasible register.

The 'Torrens system' is not, however, and never was, limited in its operation to Crown grants. Any owner of land in the colony, however and from whomsoever he may have obtained it, has always been at liberty to apply for registration. He submits his deeds for examination to the official lawyers, and if they are satisfied the land is brought under the Act on payment of a small fee. It is of course within the bounds of possibility that the official lawyers may make a mistake or be deceived; and this contingency is provided against by an insurance fund (½*d.* in the £ or less), the claims against which fund have been so few that they have been far more than covered.[1] When land is registered, the particulars of the property and of the ownership are carefully made out on a certificate, which being in duplicate is a highly important document, forming the root thenceforth of the title. One such certificate always remains in the office, and is bound up in the register, of which it forms one *folium*, which may be said to be analogous to an account in the ledger of a banker. The counterpart (as we should call it) is handed over to the registered owner, and forms his evidence of title. Thenceforward every mortgage or other dealing with the land is noted on both parts of the certificate—their exact correspondence being an important point. Provision is duly made for the sale and transfer of part of the property, for the cancellation of old certificates and entries, and the making of new ones, for leases and other dealings—in short, for every incident which is likely to

[1] In fact, the losses have been so small—and the experience of the Irish Estates Court is to the same effect—that it is hardly worth while to provide any special insurance fund.

happen. Time will not allow of a full description of the 'Torrens system,' but it has been frequently sketched out for the public information by its author and by others; and the latest accounts of the system, and of its working, are contained in the well-known essay published by the Cobden Club, and in a report by Mr. W. E. Maxwell (Special Commissioner) to the Governor of the Straits Settlements, which being minute and exhaustive is indispensable to any one who desires to become fully acquainted with the subject.

A recapitulation of the benefits which are given to sellers and buyers of land under registration of title may be usefully added. The full particulars of the land, with map annexed, are on a public record,[1] which is under the control of a court of justice, and may be rectified when necessary by order of the court. The vendor has no occasion to prepare or furnish any abstract of his title. Transfers, mortgages, leases, and other dealings may be effected rapidly, and with the aid of short statutory forms. Proposed buyers or mortgagees may, by reference to the proper folio of the record, ascertain for themselves the exact state of the title. The owner's certificate (which always corresponds with the record) is available for deposit with a banker to secure a temporary loan. The first deed of charge does not vest the legal estate in, or confer any exclusive rights on, the mortgagee; and a second or third charge may be created as easily as a first. When a charge is paid off, no reconveyance is necessary, as an official entry (in the book and on the certificate) acts as a cancellation. In short, the record at all times exhibits the exact state of the title, without search elsewhere or reference to any other document.

Mr. Maxwell in his report writes:—'It is quite clear to me that it will be of no advantage to introduce a system allowing it to be optional with a landowner whether his land shall be made subject to a Real Property Act or not.' I am bound to say that my own study of the history of the question, more especially in England and Ireland, where weak and optional measures have been introduced (with small effects, as we shall see hereafter), brings me to the same conclusion, viz., that the system to be effective and valuable must be definitely adopted by Parliament, and must be made of universal application. Optional measures usually turn out

[1] It is unnecessary here to go into the question of local registries in the provinces. It would be easy to expand the Probate or the County Court registry, so as to enable transfers, &c., to be completed before, and registered by, a local officer. On the other hand, Sir R. R. Torrens was in favour of a central office only, deeds for registration being sent up by post.

to be failures. If an existing system be defective, and Parliament, after due inquiry, resolves on a better one, no loophole should be allowed whereby the obstinate and the ignorant—those who will not or cannot learn, or who rely wholly on unsound or interested advice—may reject the better and adhere to the worse system. Parliament in 1870 passed the Elementary Education Act, and afterwards found that many thousands of parents would not send their children to any school; and it was found necessary to pass a more stringent Act, requiring that every child shall be educated. Without multiplying instances, it is enough to say that Parliament ought in all such cases to speak decisively, and not allow its remedial measures to be ignored or rejected by those for whose advantage they have been framed. Fancy, if you can, the consequences to public health and to public safety if this wretched system of optional legislation were largely to prevail.

This will be the fitting time to notice the measures which have been, under unfavourable conditions and with no considerable results, introduced in England and Ireland. Lord Westbury's Act of 1862 set up in London a land registry-office, resort to which was optional, and from which the owner might at any time withdraw his property. It was a still more serious defect that owners were permitted to execute deeds of any kind in any form, and the office was bound to receive and note them; and so it followed that the registry was liable to be encumbered with instruments which no public officer could be expected to study and construe without great obstruction to business. The register book again, instead of bringing together on one folio as under the 'Torrens system' all the entries relating to the same property, was a threefold registry, involving the danger of cross-references. There was the full description of the land in one place, the particulars of ownership in another, the incumbrances, &c., in a third. The absence of simplicity deprived this registry of all likeness to the simple and effective system so long in force with regard to all the Government and Railway Stocks.

Lord Westbury's Land Registry was fully inquired into by a Royal Commission in 1868, and certain improvements were recommended. Perhaps the most important of these was the development of a second or alternative register without indefeasibility of title, on which inferior register the titles entered inexpensively and on a *primâ facie* view would, year by year, be improving, under the influence of quiet possession

and the Statute of Limitations. Evidently, had the land of England been placed on such a qualified register five-and-twenty years ago, the titles would by this time, by the mere length of possession, without any expense or trouble, have become practically good, if not technically unimpeachable. This suggestion, with others, was acted on in framing the Act of 1875 for which Lord Cairns was responsible, and which is now in force. The new Act, however, contains some of the graver defects of the old one, resort to it being optional as before, and the mode and length of the conveyancing being in the volition of the parties. This is not the 'Torrens system,' which admits only of simple forms of transfer, &c., being registered. Moreover, the transfer takes place under the last-named system by virtue of the registration only—an important point, the full significance of which will be evident to those who have had a legal education.

The last return, dated June 19, 1884, shows that very few new estates are being brought on to this register. Under the operation of transfers, wills, &c., on an average 150 separate properties, or parts of estates, are annually registered. Subdivision is therefore going on, so that there are now in all 2,850 separate properties on the register—an insignificant result for the whole of England and Wales, and one which contrasts remarkably with the returns from the Australian colonies. The expense of the English office of Land Registry for the year ending March 1884 amounted to 6,206*l.*, while the fees received amounted to 852*l.* only. It is curious to observe that when a similar office was opened in Dublin (as a department of the Estates Court) the authorities refused to sanction any increase of the official staff, requiring that the Act should be worked without extra cost. This was as if the Bank of England had consented to the opening of a new branch on condition that no clerks and offices were to be provided until the business had become considerable.

In Ireland a registry of deeds has existed since the time of Queen Anne. It was in former years so badly conducted that there are thousands of Acts on the books which do not give the particulars necessary for identification of persons and parcels, adding much to the expense and trouble of making searches. Although the office is now efficiently worked, it is a costly and tedious matter to have an official search made, and none other can be relied on. When expedition was desired it was usual to act on a common search, hastily made and not under official guarantee. A solicitor, Mr. G., informed me that, before lending for a client a sum of

600*l.* to a Mr. K., in order to save time he acted on a 'common search,' whereby a former mortgage being overlooked, the money was wholly lost. My informant added that he had refunded the amount to the mortgagee, feeling himself to be really liable for the awkward consequences of taking a not unusual short cut. If you are in a hurry you must run a serious risk, in short; and there is no safety without the searching through an array of ponderous and dusty volumes, and the careful examination of all that the search brings to light.

For Ireland an Optional Act for registering or recording titles limited to lands granted by the Estates Court[1] was passed in 1865; and being introduced by Lord Westbury it was inevitable that it should embody many of the defects of his own measure of 1862. It was unfortunate that a more simple and comprehensive record was not set up, instead of one which may be complicated, and is always optional. It was also unfortunate for the public that the Act has not been amended, and applied to all the parliamentary titles, and especially to purchases of their farms by tenants. This might easily have been done when Government resolved on a plan for enabling tenants to become 'their own landlords' with the aid of advances from the public purse.[2]

The Irish Record of Title, instead of being one of simple ownership, has become, to some extent, encumbered with the details of family settlements and other deeds, so as to render in many cases simplicity of action impossible.

The number of estates on it, though not amounting to a thousand in all, has been enough to show that when the ownership is absolute and unqualified, and when the parties have the wisdom to make use of short forms of transfer, &c., a transaction such as a sale or mortgage may be begun and completed within an hour. This was a great advance on anything previously witnessed in these islands. In other words, where there is nothing to complicate matters, a transfer of a piece of land is shown to be as easy as a transfer of railway stock. This record of title, though comparatively little used, has therefore served the purpose which is served by a model machine,[3] sufficient at least to

[1] The Court showed its appreciation of this Act by at once ordering from H.M. Stationery Office 2,000 blank forms of 'exclusion of the Act,' which were freely distributed; and there were other adverse influences which rendered it impossible that the Act should work successfully.

[2] I have always thought that the official obstacles to free trade in Irish land, and the omission to provide facilities for purchase, have had much to do with the recent growth of the 'Land Question' to dangerous proportions.

[3] It differed from Lord Westbury's register (therein approximating to the Australian) in one important point. All the entries of every kind relating to the

demonstrate that, under given conditions, the desired result can be attained.

The legal profession in Ireland (with a few exceptions), at an early stage, adopted effective methods of nullifying the Act. Not only did they advise their clients to exclude it when taking new titles from the Estates Court, but they declined to advance money on the security of the estates on the register. This curious fact came to light in the case of a Mr. Egan, who, having been at the trouble and expense of recording his title, applied for a loan to a solicitor, who imposed the condition that he should remove the estate from the register. Like any other unprofessional person, he would have preferred a simple deed of charge, which could have been begun and completed in half an hour; but the pressure put on in this way proved irresistible. Doubtless, after removing his land from the register, he had to execute under the old system a long deed vesting the legal estate in the mortgagee, and containing the familiar array of clauses, provisos, and covenants. It is well to show, by means of a concrete example, the manner in which optional legislation works out in practice.

Contrasted with the insignificant results attained in England and Ireland under defective and optional legislation, stand the remarkable returns from our colonies, where the 'Torrens system' is in force. As the figures are all given in Mr. Maxwell's published report and elsewhere, it is enough to mention here that in South Australia, where the system was first set on foot under its author's own guidance, the number of separate transactions in the office has increased from 7,000 in 1872 to 21,000 in 1881, the value of the property affected exceeding one million in the last-mentioned year.

In New South Wales the value of the property on the register has increased from two millions in 1876 to nearly ten millions in 1881. In Queensland the number of transactions has doubled during the last ten years. In Victoria the figures relate only to the period 1880–1881; and they show that in the last-mentioned year 1,256 applications were made to bring land under the Act. The extent of land affected was 65,000 acres.[1] The value of the land included

same estate were brought together in the same folio of the book. The duplicate system was also carried out with much regularity. The main defect in the machinery was the liability to have long and complicated deeds brought in to be noted on the record. Evidently this would have blocked the business, had the latter been considerable.

[1] These are in round numbers.

in those applications was one and a half million sterling. The certificates of title issued were 14,000. The transfers, leases, and other dealings registered were 24,000. The fees received at the office amounted to 34,570*l.*

These are great and significant results, and they deserve on our part very full consideration. The best way of ascertaining whether land in these colonies is dealt with readily and safely under the 'Torrens system' is to make inquiry as to the working of those Acts of any one who has lately returned from either of these colonies. All the accounts agree in this—that the problem which has so long troubled the minds of legislators at home has actually been solved in the colonies: and this is a fact which might well be somewhat humiliating to us.

It is sometimes objected that Australian colonists require few and simple dealings in land, the state of society at home being more complicated, and the habits of testators and settlors here being such as to exclude the simple processes which alone are known in the Australian registries. Now, I am assured on excellent authority that a daily increasing number of the colonists, being wealthy men, are as careful as men of the same class at home are found to be in the disposition of their property; and consequently that 'settlements' by will or deed are frequent. If the 'Torrens system' were unsuited to the wants of a civilised and wealthy community, surely the discovery would have been made before now. There is absolutely nothing in it to exclude the most elaborate settlements. We have only to reflect on the large and increasing extent to which railway stocks at home are vested in trustees and executors, to see that facility of transfer is not incompatible with very elaborate family arrangements. As the office recognises no trust, the trustees are inscribed as joint owners, alike in the land offices of our colonies and in the offices of the great railways at home. Hence there may be free trade in land just as there is in railway stocks, provided that there are always to be found on a public register the names of persons capable of making a valid sale and transfer.

In this way it becomes, for the purposes of our inquiry, immaterial whether the system of settlement prevails or not. In a simple registry of ownership, such as that which is now advocated, A and B being registered as joint owners, the process is the same, whether they are trustees or beneficiaries. The registrar will not inquire in what capacity they hold—although he will allow the interests of absent persons to be

protected by a caveat. Under the new Settled Land Act, I presume that the tenant for life would frequently apply to be registered as owner, a caveat being entered on behalf of the trustees and remainder men. In any case, and whatever the beneficial title, it is of the essence of the system of effective registration that there should always be on the registry the names of persons capable of transferring; and if this be done, I am unable to see that entail and settlement are serious hindrances in the way of free trade in land.

I am not arguing in favour of entail and settlement, but merely showing that they are not necessarily antagonistic to a good system of registration. This should be made clear, for there are many, and amongst them Mr. A. Arnold, M.P., who are strongly in favour of amendment in our landed system, but who are too apt to set down all defects to the score of entail and settlement—the merits or demerits of which it falls not within my province to discuss. It seems to me that most of the evils now ascribed to entail and settlement would be found to disappear if all land were made capable of easy sale and transfer. This the public has every right to demand. If the various shades of law-reformers were to agree in putting this demand foremost, a very important point would be gained. The cause of registration of title suffers because those who object to entail and settlement will not unite with those who hold that most of their mischiefs may be obviated by the introduction of free trade in land.

The case of Scotland stands apart for obvious reasons. If the Scottish people are content with their own mode of registering assurances, there is no more to be said than this—that they will find economy and efficiency better secured under the 'Torrens system.' There would be no difficulty in superadding this, little extra machinery being required beyond a new set of books.

I may here glance at copyhold property, where we find a system of registration of title in force, as it has been for many centuries. The steward of the manor keeps the book in which transactions are noted, and the mode of transfer is interesting when its simplicity and antiquity are alike considered. The drawback is that the copyholder has a bundle of deeds to take care of, and no purchaser can be quite sure that the copyholder on record is absolutely entitled both at law and in equity to the property. Then there are the varying customs of manors to consider, and the excessive sums demanded in some manors on devolution. So

that all things considered, although the copyholder's name appears on a register, and so far the system is rational as well as ancient, there are so many disadvantages in the copyholder's position, that I should gladly see this tenure abolished and a general enfranchisement Act passed, binding on the Crown as on all other Lords or Ladies of Manors.

It is not pretended that our Real Property laws are free from criticism, and that the only defect is that with which this paper is concerned. There are other exceptional tenures besides copyhold which might with advantage be abolished; and above all real property should be assimilated to personal property in case of intestacy. Other improvements might be indicated, but in front of them, and transcending them all in importance, is the hindrance to the free sale and purchase of land which arises from the absence of a public register of ownership. The interests of the middle and lower classes suffer from this cause more than those of the upper classes, whose estates are so considerable as to justify the outlay which every transaction involves. The real grievance is that the cost is disproportionate where transactions are small. People are afraid to invest their small savings in land, and the consequence is, that in most places, though not universally, the land market is practically shut against very small capitalists.

The new scale of conveyancing costs may do something to remedy this evil; but it has not been long enough in force to judge with certainty of its effects, and even this scale is optional with solicitors who, unless they know something of the nature and length of the abstract, are likely to use their privilege. Colonel Leach (of the Land Commission) lately complained in the columns of the *Times* of the cost of small transactions; and he was told in reply that the new scale fixes a moderate sum, which is to cover everything but stamps and other disbursements. He might have retorted that when the fee for 'negotiating' the sale or mortgage is charged—as it usually is[1]—and when all the costs of the other party in the transaction are also reckoned, the whole

[1] I was sitting with other guardians of a *quasi*-public fund to consider change of investments, when we resolved to purchase a ground-rent, the full particulars of which were before us. Our solicitor wrote a letter accordingly, and completed the purchase; and under the new scale there appeared in his bill the charge for 'negotiating.' Thus he received, under the new scale, some 30*l.* for writing one letter, of course in addition to the authorised charges for contract, deed, &c., and all disbursement. From this and other instances, I conclude that solicitors usually make this charge, as they are more or less concerned in every 'negotiation' of a sale or mortgage.

expense in small transactions can very rarely fall short of one whole year's rent of the property, while it may often exceed that amount.

This I take to be the general result when the new scale is acted on, and it is such as seriously to impede transactions of the very kind which it is most desirable to encourage. The Stock Exchange, instead of being freely resorted to, would be absolutely shunned by small investors, if they knew that a whole year's income must be absorbed on occasion of a purchase of shares. They are not likely to be attracted towards the land market by the knowledge that in purchasing for 1,000*l.* a field, which brings in net 30*l.* per annum, the cost of one side only, including the 'negotiation,' but exclusive of disbursements and stamps, will be 25*l.*, the cost to the seller being perhaps nearly as much. The new scale, in short, does not meet the exigencies of a case which calls for a change of method, and not for a mere lowering of remuneration.

The prevention of fraud must always be an important matter. We have seen that, by means of forgeries and by deposit of incomplete parcels of deeds, various frauds have been perpetrated under the present system—the only wonder is that they have not been more numerous. There is no such thing in life as absolute safety against fraud and forgery. Bank notes are sometimes imitated; and Mr. John Sadleir, M.P., the Dublin solicitor, who became a Lord of the Treasury, forged deeds purporting to be conveyances under the seal of the Estates Court—discovery, however, following quickly.

Under 'Registration of Title' frauds must be very hard of accomplishment; for a proposed lender or transferee either personally or by his solicitor attends in the office, and sees that the certificate which has been shown to him agrees with that entered on the register. After thus satisfying himself, he pays over his purchase or mortgage money, and sees a new entry made on the proper folio of the register. Therefore there is no greater opportunity for fraud than that which the Bank of England affords in the case of a transfer of Consols, and this it would be wasting time further to discuss.

In conclusion I ask why we at home are unable to solve the difficulty which is shown on indisputable evidence to have been solved in our more important colonies? This is not the place for a detailed plan, and it is enough to say that the three departments in London which are conversant

with real property titles—the Land Commission, the office of Land Registry, and the Middlesex Registry—should be amalgamated; and that the powers so long enjoyed by the Estates Court in Ireland should be conferred on the reconstructed office. Owners of land should be encouraged, by information concisely drawn up and widely circulated, and by a low schedule of fees, to place their estates on the registry, either with or without the investigated or indefeasible title. The system of duplicate certificates and the other characteristic features of the Australian registers should be introduced. Of course new legislation is required, which should take place after minute examination of all the Acts in force in the several colonies. Above all, it must be enacted that all documents relating to contracts and sales shall owe their whole validity to the transaction being duly registered: and land once entered on the register should never be allowed to be removed therefrom. These are the cardinal points to be kept in mind by those who desire to see free trade in land; and until they are attained there can be no freedom of sale, no large investment of savings in the purchase of English freeholds, and no land market worthy of the name.

The following may usefully be referred to on this subject:—Speech of Sir H. (now Lord) Cairns in the House of Commons, 1859; speech of Lord Westbury in the House of Lords, 1862; *Registration of Deeds, &c.—Transactions* of this Association, 1880; Sir R. R. Torrens's Essay on *Transfer of Land*, Cassell & Co.; Maxwell's Report on the *Torrens System*, 1883; *Sessional Proceedings* of this Association, 1884, No. 2 (address to the Attorney-General).

On the same.

By John Harry Gregson.

It has been estimated that on an average at least 1,000 dealings with land take place in England alone every day, *i.e.*—excluding Sundays, about 300,000 a year. Reckoning 10*l.* only in each case as the remuneration of the counsel, solicitors, surveyors, and others employed on *both* sides, the annual cost is 3,000,000*l.* Were it only half this sum the cost of transfer of land in England would be enormous. The Transfer of Land Act, 1862; the Declaration of Titles Act, 1862; the Vendors and Purchasers' Act, 1874; the Real Property Limitation Act, 1874; the Land Transfer Act, 1875; the Conveyancing Acts, 1881 and 1882; the Solicitors' Remuneration Act, 1881, and the Settled Land Act, 1882, show

that the existence of this evil has been admitted. The first question is, have these attempts to remove it been successful? Up to June, 1879, they had not, for that is the date of one of the Reports of a Select Committee, which was appointed to inquire and report whether any and what steps ought to be taken to simplify the title to land, and to facilitate the transfer thereof. Therefore, unless the four last-mentioned Acts have removed it, it still exists. If we consider its cause, we shall more clearly see whether they have done so.

The cause is simply that the *power* of transfer has increased more rapidly than the *mode* has improved. In ancient times the power of transfer was extremely limited, and formal delivery of possession was sufficient evidence of transfer. As the power of dealing increased, the memory of bystanders became unreliable, and writing was introduced, but the validity of the transaction still depended on the delivery of possession. Dispositions of land became still more complicated, and delivery of possession became useless and writing essential, and now the latter has failed to answer adequately what is required—namely, a cheap and speedy mode of transfer. Its failure is due to its cost. But to say this is but to sum up in one word its many defects, of which the two principal are, (1) the necessity on every transaction of inspecting the title during the last forty years, that is, during the shortest average lifetime after attaining majority, and (2) the length to which the documents have grown by which dealings with land are carried out.

Have the four Acts before referred to remedied these two defects or either of them? They have not the first. It is true that the precaution of inspecting the title for the last forty years is taken in order to secure the purchaser against the danger of finding that he has bought from a tenant for life only, instead of in fee-simple; and it is also true that the Settled Land Act, 1882, has enabled a tenant for life to convey not merely his life interest, but the whole fee-simple, provided certain conditions be complied with. But it is still necessary to go back forty years, in order to see whether these conditions ought to be complied with. This is the only Act that has tried to remove the first and great defect; consequently it still remains.

The four Acts have, however, to a very considerable extent removed the second defect, by implying certain provisions which used to be set out at length, and by rendering it unnecessary to join in the transaction many persons whose

participation therein was formerly necessary. By the lessening of the evil caused by the second defect, that caused by the first will also gradually be mitigated.

But is there no system whereby the first defect may be altogether removed, and the purchaser made safe on inspecting only the transfer to his vendor, and the instrument of transfer itself be made still shorter? The system to which the question before us for this purpose directs our attention is that which exists in the Australasian colonies. This, therefore, we will now consider.

Under it a sale is carried out as follows:—The vendor produces to the purchaser the conveyance to himself, which shows that he is the owner and what estate or interest it is that he owns, and whether it is subject to any charges, leases, or other outstanding rights. They then obtain, fill in, and sign in duplicate a form of agreement for sale. Both parts are sent to the Recorder of Titles; he enters a memorial of them on the proper folium of the record of titles, retains one part and endorses on the other a memorandum certifying the date of recording and the volume and folium where the memorial has been recorded, and returns it to the purchaser, whereupon it becomes conclusive evidence of title, and is by statute constructively embodied in the record. Being conclusive evidence of title, a subsequent purchaser need not inquire into the prior title. Provided, therefore, that there is no discrepancy between the instrument retained by the Recorder and the part held by the purchaser, an inspection of the last recorded instrument is sufficient, and the defect in question is wholly removed.

It deals with the second defect in much the same way as the Acts before referred to have dealt with it. But this need not detain us longer, as it has already been so nearly removed from our English system.

The great advantage of the Australasian system over ours, therefore, is that if there be no discrepancy between the record and the evidence of title, no investigation of title other than inspection of the last recorded instrument need be made; that is to say, the great defect in our system is avoided.

If this be so, surely there must be some objections to it which have hitherto prevented its adoption here. There are some, and to them I will now turn.

The first and greatest is that under it a man may, without any default on his part, lose his land, and in no system of transfer by registration of title can this be wholly avoided.

Under our present system it cannot happen; he may, and sometimes does, lose his purchase or mortgage-money, but not his land. The risk of loss under the Australasian system is, however, less than under ours, and as it cannot be very material whether it be the land which is lost or its value, that system has in this respect an advantage. But were they treated as equal on this point, our system involves certain delay and expense from which the other is almost entirely free, leaving a great advantage in its favour. The risk of loss of the land itself instead of its value is, however, the great objection to it.

Other objections there are, but either they are not as that is, necessarily inherent in the system, or all other systems are equally exposed to them. Among the objections to the system we are considering are the following. It is said to be inapplicable to the complicated transactions which take place with regard to land in England. It is also said that there is risk of error in the working of the machinery, whereby, for example, a man may succeed in transferring a larger interest than he has, or whereby the record may show the result of a transaction to be one thing, while the evidence of title shows it to be another. Again, it is charged against it that it cannot be introduced without great and useless expense. I shall now proceed to show why I do not think there need be any ground for these objections. The Australasian system may be obnoxious to them, but, if it be, a modification of it would, as I hope to make clear, avoid them.

The first, I admit, is not without weight. One of the essentials to a successful system of transfer by registration of title is that the register shall show every interest in the land. I am well aware that it is thought by some that if power be given to a tenant for life to sell the whole fee simple, it will be enough for the register to show who the first tenant for life is. But that it would not, is evident if the position of matters is considered if the tenant for life do not sell. The register ought then to show who the person next entitled is. This, I submit, it is one of its principal duties to do, for it must not be forgotten that it has to provide not only a speedy mode of transfer, but for a safe holding of the land as well. It is therefore necessary that it shall show every interest in the land. When the numerous and complicated interests are considered, it will at once appear that in order to do this the utmost conciseness in the form of stating them will be necessary. This is to be

attained by the use of a tabular register; that is to say, each page of the register should be divided by perpendicular lines into parallel columns, and in them should be stated in their order successively the names of the persons successively entitled, and the interests to which they are entitled. (See forms in Appendix.) Suppose, for instance, that the land is limited to A, B, and C as successive tenants for life with remainder to D in fee. The page of the register on which this is shown will be divided into eight columns; the first will state A's name and description, the next his estate, viz., for his own life; then will come the columns stating B's name and description, and his estate likewise; then two similar columns describing C and his estate; and then two columns describing D and his estate, viz., the fee simple. This mode of showing the various successive interests in land is capable of application to any limitations whatever. It, indeed, resembles the analysis which every conveyancer makes either on paper or in his own mind of every conveyance before drawing it. Say it is desired to show in this form the limitations of a strict settlement, the two first columns of the page of the register will contain the description of the settlor and his estate, viz., the 'fee simple determinable on the marriage of his eldest son and his intended wife' (describing them); the next two columns will repeat the name of the settlor, and describe the next succeeding estate, viz., 'for his own life *sans* waste;' the next two will repeat the name of the eldest son, and describe his estate, viz., 'for his own life *sans* waste;' the next two will show that the next estate is limited to 'the first, second, third, and every other son of the said eldest son by his intended wife in order of seniority of birth,' and that the estate so limited is a 'fee tail.' The next two columns will show that the next estate is limited to 'the first, second, third, and every other son of the said eldest son by any other wife or wives in order of seniority of birth,' and that the estate so limited is also a 'fee tail.' The next two columns will show that the next estate is limited to 'all the daughters of the said eldest son by his said intended wife equally as tenants in common with cross remainders over,' and that the estate so limited is also a 'fee tail.' The next two columns will show that the next estate is limited to 'all the daughters of the said eldest son by any other wife or wives equally as tenants in common with cross remainders over,' and that the estate so limited is again a 'fee tail.' Then will follow two columns showing that the last estate is limited to the settlor, and is a 'fee simple.' In this

manner any number of successive limitations may be clearly and concisely shown upon the face of the register, and I shall for present purposes assume that it is possible in this tabular form to state concisely any number of successive limitations.

But this of itself is not sufficient. There may be, and indeed very frequently are, interests in land which are not successive, but concurrent. The register must therefore be such as to show concurrent interests as well as successive ones. For example, land may be held by A in fee simple for his own use till B attains twenty-one, and then in trust for B. In this case there is not a mere succession of interests. The legal estate is at first and always in A and his heirs, but on B attaining twenty-one an equitable interest springs up in his favour, and this is separate from the legal estate which A still retains, although concurrent with it. These concurrent interests the register must show. This may be done by the use of as many registers as there can be concurrent interests. Were it possible that there should be very many, the number of registers rendered necessary would no doubt be an objection to the system. But there can be but three: the legal interest, the equitable interest, and interests less than freehold, such as leases, in which category also mortgages and charges ought to be included. The registers of the legal and equitable interests would be in the same form; the register of interests less than freehold would, owing to the nature of those interests, be, if anything, even more simple.

By these means—a tabular register, and a separate register for each concurrent interest—every interest, whether successive or concurrent, can be clearly shown.

Although for the sake of clearness I have spoken and shall speak of the three registers as if they were distinct books with cross references from one to the other, they need not be separate, but may perfectly well be on the same page, or, if too long for that, on consecutive pages of the same document, and all reference from one to the other and searches and indexes be in that way avoided. My point is simply this, that a space on the register should be devoted to each concurrent interest.

I do not see how the Australasian system can show clearly the concurrent interests which may and do exist together. According to it there is but one register. For this reason, therefore, I do not think it would be applicable to the complicated transactions that take place with regard to land in England. Nevertheless, as I trust I have shown,

this objection is not inherent in the system of transfer by registration of title, but by adopting a tabular register and separate registers for each concurrent interest may be avoided.

The second objection alluded to—viz., the risk of error in the working of the machinery, now calls for notice. In the Australasian system the conclusive evidence of title is not the register, but the document which is handed to the purchaser; yet the register would in England be the source whence reliable information about the title would be expected to be got; evidently there may through error be discrepancies between the two. And further, the instrument which is conclusive evidence being in the hands of the purchaser may possibly be altered by him, and a sale of a larger interest than he possesses be effected. But the objections which arise to the system on this account may be removed if sales be carried out as follows:—Paper of the same size and kind as the register will be obtained. On the left-hand page will be copied the entries made on the last transaction. This will show the present position of the estate. All that is now required is to show on the opposite page the result of the sale—*i.e.*, the position of the estate immediately after it. This will be done in a similar way; as many successive interests as there are, so many double columns will there be—one showing who it is to whom the interest is limited, and the other what the interest so limited is. The two pages so showing the result of the transaction will be the conveyance. (See forms in Appendix.) It will be executed by the parties and attested, and taken to the Registrar. It will be his duty to see that the page showing how the estate stood before the transaction is a correct copy of the entry in the register of the result of the last transaction. Having done this, he will see that the interests granted in the pending transaction do not exceed the power of the grantor. Having satisfied himself as to this, he will register the conveyance. It will then form part of the register, and be the evidence of the purchaser's title, of which he may obtain an office copy. The register will thus be a complete record of every transaction—in short, a concise and clear history of title, and will consist solely of the original documents by which the transactions were carried out, and all risk of misconstruction or discrepancy between the record and evidence of title will be avoided.

By the adoption of this mode of effecting sales or other transactions—*i.e.*, by having the conveyance itself in a tabular form, and by registering the conveyance itself, and

making the register the sole and conclusive evidence of title—the second objection referred to may be sufficiently avoided.

But it may be said that there *is* risk of error in copying on the left-hand page of the conveyance the entry of the result of the last transaction. But this risk is very slight, owing to the clear form in which the result appears. Moreover, if there *be* any error it will be the error of the parties themselves and not merely of the Registrar, and can only be permitted through their united carelessness; and even then, as it will relate only to the past, it need not affect the result.

But, although there is therefore extremely little weight in this objection, it may be urged that the duty of the registrar to see that the grantor has not granted a larger interest than he has power to is a more serious one, as it requires not merely care, but technical knowledge also. It must be admitted that it involves *some* technical knowledge, but the amount required is hardly more than is demanded of a cashier at a bank; for it is but to see what the total interest granted is, and to compare this with the interest which the opposite page shows to be vested in the grantor. If a cheque presented for payment exceed the balance standing to the drawer's credit, the cashier will return it dishonoured; so will the registrar the conveyance if it purport to grant more than the register shows the grantor had vested in him. And to ascertain whether the conveyance should be registered requires but little more technical knowledge than to ascertain whether the cheque shall be paid. Very large amounts are without hesitation subjected to risk in the latter case; why then should there be hesitation in the former? This, however, if it be an objection, is one which is inherent in every system of transfer by registration of title. That it is not serious is shown by the many properties, such as ships, stock, shares, to which this system of transfer has been applied.

Before passing to the consideration of the third objection before alluded to, I will observe that I have purposely omitted to deal here with the precautions which should be adopted to prevent forgery. They are pure matters of detail, and can be increased, if necessary, *ad infinitum*. Moreover, the fact that ships, stock, shares, and other kinds of property are every day exposed to a similar risk, shows that this opposes no insuperable difficulty in the way of transfer of land by registration of title.

There remains to be considered only the objection as to

the manner of introducing into England such a system as I have suggested. It should, I think, be made compulsory (*i.e.*, after the cadastral survey is completed) upon the next transfer—*i.e.*, the next transfer should be carried out in accordance with it. But the objections to Lord Westbury and Lord Cairns' systems should be avoided. A man should not be compelled either to prove a perfect title or admit it to be imperfect. No investigation of title should be imposed, but the conveyance should be registered for what it may be worth. Any subsequent dealings would, of course, be carried out by the same system. The register would thus in time contain the history of the title, and investigations outside it would become less and less necessary, and at last it would contain all the evidence of title that would have to be investigated. Then would be the time to make it conclusive evidence of title, which might be done by a general enactment that after the title to land has been registered for forty, fifty, sixty, or any other number of years thought necessary, the register should be conclusive evidence of title. From that date only the last entry would have to be looked at, and the most simple mode of transfer possible would be furnished. Moreover, this would be attained without any sudden innovation. Conveyancing would, so far as investigation of past title is concerned, go on meanwhile much the same as at present, except that on each dealing the length of title off the register to be investigated would gradually become less and less.

The Australasian system would be not so well fitted for this gradual mode of introduction as the system I have suggested, as the latter will, as I have shown, contain a complete history of the title to every interest clearly and concisely set forth, and, although not yet made conclusive evidence, would furnish in a most convenient form a chain of title subsequent to the first recorded transaction. The mode of introduction I have suggested will also meet difficulties which exist in England, but which there was no need to fear in Australia.

The third and last objection I mentioned need, therefore, have no existence.

I will conclude by saying that, although I began by showing that a great evil exists in the present system of transfer of land, to what it is due, and that it has not yet been removed, and that it is therefore very desirable to introduce a system of transfer by registration of title, the principal object of this paper has been to remove objections to that

system by considering the weak places in the Australasian system, and showing how they may be remedied. The remedies I have suggested are the use of tabular conveyances, and making such conveyances themselves the register and conclusive evidence of title, and having registers of legal and equitable interests and interests less than freehold. And I trust that I have shown that if my suggestions be adopted a system of transfer by registration of title will be provided which will be applicable to the complicated transactions that take place in England, and free from any considerable risk of error, and one which may be gradually introduced without difficulty.

DISCUSSION.

Mr. JOSEPH BROWN, Q.C. (London) said that as he had declined to join in the deputation that waited upon the Attorney-General to urge the adoption of the Australian scheme, he would state the reasons for his dissent. The expense of conveyancing and the investigation of title constituted an evil that required a remedy, but the extent of the evil had been exaggerated by Sir Robert Torrens, who had also over-estimated the benefits to be gained by the improved system of conveyancing. Many small purchases had been accomplished at an expense of about 10*l.* each for the conveyance, where the value amounted to several hundred pounds. It was quite a common practice with building societies to restrict the expense. In the case of a large estate belonging to the Duke of Bedford, and which was cut up into small lots, no one ever thought of requiring an investigation of title, because the Duke's title to the property was so well known, and consequently the expense of conveyancing was comparatively trifling. Mr. Denny Urlin's contention was that the Australian system, in order to be worth anything, must be compulsory. It was not compulsory in South Australia, but optional. A man must buy there either under the Land Transfer Act or under the ordinary common law; if under the former, his property would be subject to Sir Robert Torrens' system of registration; if he made the purchase in accordance with the common law, he would be liable to all the conditions, difficulties, and expense which applied to conveyancing in the mother-country. The consequence of compulsion being introduced would be that every man who wanted to raise money upon mortgage of land must disclose the transaction on the face of the register. This register would be open to everybody, like a register of bills of sale. The transaction would the very next week appear recorded in a certain list, and a trader's credit might thus be damaged, if not destroyed. It was a matter of common knowledge amongst those acquainted with bill of sale transactions, that the trader who borrowed the money did all he could to avoid registration, although he now ran great risks if he succeeded in the attempt. Compulsory registration would interpose a serious obstacle in the way

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of raising money upon either house property or land. From his fifty years' experience of law, he presumed that four out of every five country gentlemen in the House of Commons had heavy mortgages and charges on their land. As one effect of compulsory registration, their neighbours would soon become possessed of a secret at present confined to the family solicitor, or possibly to the banker. If it became known that a country gentleman was getting deeply into debt, his own status in society would be affected, and also the prospects of his sons and daughters. Country gentlemen would, therefore, be strongly opposed to compulsion in this matter. If, on the other hand, registration were to be optional, they would take good care that their mortgage transactions did not get upon the register. The advocates of Torrens' system also held that it would be ineffectual and of no serious value to landowners unless the title were made absolute upon registration; *i.e.*, unless it were a registration of title, and not a mere registration of deeds. It was, therefore, essential that the registration should constitute a title in itself against all the world. In that respect the difference should be observed between England and Australia. In South Australia, where the system was originated by Sir R. Torrens, nine-tenths of the titles sprang from Crown grants, which were indisputable, for they gave an absolute title which was good against all the world. Consequently, when a purchaser found the property entered on the register as Crown land, he carried his inquiries no further, and was quite satisfied with an absolute and indefeasible title. A purchaser was thus saved three-fourths of the expense incurred in an English sale. The system would do very well in the case of the Forest of Dean, where nobody thought of investigating the title of the Crown, and where the transfer was both easy and cheap; but the position was altogether different in regard to ordinary titles to land which had passed from hand to hand for a considerable period, for in the latter case, if the purchaser had his title placed upon the register, it might happen that five years later someone would come forward and claim to be the real owner under a settlement executed forty or sixty years before. The result therefore would be that such a man could recover the land because he was the real owner; whereas, under the Torrens system, he would have no claim at all to the land, and against whom would he have a claim for pecuniary indemnity? The Torrens system provided an insurance fund to meet such cases, but such a fund must be obtained from some source. Although it was said that a halfpenny in the pound charged as a percentage on the purchaser would be sufficient, under the Torrens system, to provide an indemnity fund, it was doubtful whether anyone could tell what amount would be required to meet claims, considering the difference of titles in England and Australia. But further, before the system could be applied in this country, a judicial tribunal would have to be established to determine whether the seller of the land had got a sound title himself. Such a court would have to institute exactly the same inquiries as the solicitor to the purchaser made under the present law; and that could not be done without involving expense as considerable as that now incurred. It would be a decided advantage if an easy mode of transfer could be adopted by a

mere entry in a book, as was done in the Bank of England when stock was transferred; but if the Bank of England were to transfer stock on the representation of some fraudulent person, who had deceived them by a forged document, they would be obliged to make it good to the owner. This they had to do in the case of the Redpath frauds. A liability of that kind could not be met under the proposed system of registration. Hence the necessity of an indemnity fund which would have to be sustained by a charge more or less on the purchaser. The advantage of the Torrens system in point of economy had, therefore, been exaggerated. Nor could the system be carried out without a new and complete set of maps and plans for the entire country. Land could not be conveyed unless it had the boundaries properly defined. Sir R. Torrens, sensible of that necessity, always contended that registration should be conclusive as to the boundaries of property; otherwise all kinds of disputes and litigation might arise. Millions of money would be required if all the boundaries were to be defined on maps and plans for the whole country, including every village as well as every town. Such a system of maps would have to be complete, and for the entire country, or the system of registration would not be complete. That was an insuperable difficulty. It would also be necessary to have a registry office in every county, with an expensive staff. One general office in London would not be tolerated either by the profession or by the landowners; it would be a system of centralisation which they would not endure. Sir R. Torrens' system could never have been carried into effect if it had not excluded trust titles from the register. Nor could that be done in England without a complete alteration of the law. At present, if a man had an equitable title to land it could not be taken away from him without his own consent. Under Torrens' system, a trust title to any land might be taken away and given to the man who had purchased it ignorant of the existence of the trust, and the purchaser would become possessed of the absolute title to it. There had been cases where trust property was obtained possession of by fraudulent means and then squandered, so that the parties beneficially interested were ruined. That would occur under the Torrens system.

The PRESIDENT of the Department (Mr. Westlake, Q.C., LL.D.) thought it necessary to clear up a point in Mr. Brown's argument, namely, that it would be necessary to have a judicial investigation of the title of the first seller or other person who placed his property on the register, in order to secure the guarantee which the register should thenceforward give. It might be enacted, and certainly that was the form in which he advocated the scheme, that a day should be named from and after which no dealing with the title otherwise than through the register should be valid, and that the guarantee given should be a guarantee against all documents subsequent to the commencement of the register. That would dispense with the necessity of a judicial inquiry into the previous title of the first person who placed the property on the register. But in the course of time—say forty or sixty years—when the period was reached after which the prior title would cease to be important, the guarantee given from the commencement of the register would be a perfect guarantee.

Mr. JOSEPH BROWN observed that the President had simply shown that he would rather defer the operation of the system of absolute title for some years after the property had been placed on the register.

Mr. N. NATHAN (Birmingham) said that, as regarded the immediate purchaser and vendor, the establishment of this system was likely to tend to the attainment of two objects which it held out to the public, viz. the saving of expense, and the gradual acquisition, more or less, of certainty. But the question which called for consideration was whether the same objects might not be accomplished by the adoption of a system less compulsory, less costly, and less open to the objections Mr. Brown had pointed out as insuperable, especially the difficulty of inducing owners of landed property to consent to any measure which would require them to disclose the amount of their mortgages. The reader of the second paper had cited a fair sample of the complications which frequently arose in dealing with property in this country, and had consequently brought down the proposal to register at all to a *reductio ad absurdum*. It was high time to consider whether those complications could not be got rid of. Was it possible to conceive of a civilised country which would do entirely without estates tail? Of course, one could not deal with a piece of land as if it were so much money invested in the Three per Cents., for it had a specific character which could not be taken away from it; but, notwithstanding, all these complicated trusts might be attached to the value of the land, instead of to the land itself. There was in the possession of a landed estate no special sanctity that entitled persons interested in the value of such property to claim for themselves a greater security and more abiding interest than those holding funds in stocks and shares were perfectly content to accept. If the foolish rigmarole that has grown up in connection with the wording of certain deeds could be dispensed with, the difficulty would be met without the necessity of urging this Australian system so strenuously upon the acceptance of the public. By persistent simplification of title, registration became far less necessary than was commonly supposed. Trust interests, estates tail, interests in land coming between those two, also interests springing up under wills, and to which was allowed a latitude of interpretation which was greatly to be regretted; in all these cases the investigation of title was rendered exceedingly arduous, and any measure which might diminish the difficulty would be acceptable. Lord Cairns' Act went a long way towards the simplification desired. A further advance would be this: leaving the fee simple where it was at present, let the successive and particular beneficial interest attach, as in the case of stock or personal property, to the value of that which one wished to settle or devise; but do not retain the peculiar prerogative of land, for which there was nothing to be said, that all these various interests should adhere to the title. Let land, like other property, take its chance. Let every beneficial interest arise by way of trust, and every trust be a trust for sale. Such a proposition might sound very dreadful to conveyancers, but in that direction alone could they look for simplification; because, as the second paper had proved, so long as the various interests mentioned were allowed to be recognised as legal interests, to be registered and taken note

of, complication and difficulty would continue to pave the way from the chambers of the conveyancer to the office of the registrar and back again. As to mortgages on realty, they ought not to be invested with peculiar sanctity and secrecy over and above mortgages on personalty. Every mortgage on property should be registered, and subject to the Bills of Sale Act. The remedy he suggested would, at any rate, render less necessary a universal system of compulsory registration, either of deeds —which, however, everybody seemed to admit was inoperative—or of titles. With regard to the registration of titles, in order that a man might be enabled to carry in his waistcoat pocket a document as simple as a share certificate, and which he might pass on to the first purchaser, after a few trifling formalities, as the evidence of title, there would have to be a cadastral survey of every piece of land; and not only would the scale be different from that of the present survey, but the map would be constantly undergoing alteration—an operation which would be attended with great expense. Urban property especially was subject to demolition and reconstruction from time to time, and there was a consequent readjustment of boundaries, so that the map of one year would become obsolete in the next. Note could not be taken in a map of all easements and rights appertaining to land in a large town where property was of immense worth, its value being calculated by the inch. In his view the only possible simplification of the law was to abolish complexity of title. That would involve also the abolition of investigation, and as a consequence there would be no outcry for the establishment of a registry, whether permissive or compulsory.

Mr. J. Henniker Heaton (Australia), speaking from a knowledge of the Torrens system in Australia, declared that it worked admirably, without any of those inconveniences which some persons in England seemed to fear. The process was inexpensive. He had himself to transfer a piece of land to a friend; for this operation, in the ordinary way, he would have paid a lawyer 10*l.* or 15*l.*, but under this improved system it cost him between 10*s.* 6*d.* and 15*s.* only. Instead of upsetting society, the adoption of this easy and cheap method of land transfer would have the contrary effect, and would tend to protect creditors. In Australia, when an estate first came under this system, a large bundle of deeds was brought forward, and these were reduced to a sheet or two of parchment. Opposition to the introduction of the same system into England, he believed, emanated mainly from lawyers who, he feared, were not sufficiently earnest in their desire to bring about a reform in land transfer that would be easy and inexpensive. He was informed that there were no lawyers in heaven, and here then was a chance for some lawyer to fill the vacant place by doing a great good, saving the pockets of poor men and the time of all.

Mr. Wm. Griffith, Barrister at Law (London), observed that according to the statements which had been made, the Torrens system had worked better in the Australian Colonies than many persons in England imagined; but whether a similar system would answer in the mother country was a totally different question. The circumstances of the two countries varied. In Australia, the titles generally commenced with crown grants; in such a case you had to go only a short way

back to get at the root of the title; but crown grants were comparatively few in England: they were here the exception, and not the rule. The authors of the two papers had run a tilt against family conveyancers in a style that would have done credit to Bismarck. Mr. Denny Urlin had conceded that the registration of deeds was not sufficient. Reference had been made to the fact that a voluntary registration of deeds had existed in London and in Yorkshire from the days of Queen Anne, a point of evidence in its favour if it had worked well all that time. In the last session Parliament had passed an Act consolidating and sustaining the Deed Registration Acts of Hull and Yorkshire, 47 & 48 Victoria, c. 54. However, it was not at all likely that the compulsory, or even non-compulsory registration of deeds, as a system, would be popular all over the country; and therefore the able opener of the subject and his seconder did well to surrender that portion of the position, confining their arguments to the registration of titles. Mr. Gregson's estimate of a thousand deeds executed, on an average, per day, was rather under the mark. That was the number given by Lord Westbury many years ago, when introducing one of his law reform measures into the House of Commons; but now, owing to the increased prosperity of the country, and the more numerous dealings in land, that estimate had surely been exceeded. Credit ought to be given to the motives of those persons who advocated the Torrens system, in that they had the welfare of the country at heart when they wished to cheapen the transfer of land. The bar also must be credited with having a sufficient amount of patriotism to induce them to surrender a portion of their vested interests, if they believed this system would be a benefit to the country at large. The question, however, was whether that system was based upon sound and sufficient grounds. The population of the country was some 32,000,000; dividing that number by 5, the average of a family, and reckoning a house for each family, what books would be found sufficient to contain a record of title to every dwelling place in the country? In some cases the people did not possess the houses they lived in, but that they should be their own landlords was the object of these reformers. He doubted whether it would be practicable to keep a record of some 5,000,000 or more small houses, or parts of houses. Experience of the past was certainly not in favour of the argument that the new system would cheapen the transfer of land. 6,000*l.* a year, it was said, had been spent on the officials of the existing land registration offices in salaries, while the fees paid for registration amounted to 1,000*l.* It was evidently the large increase of expense which had prevented persons availing themselves, to any great extent, of the heavy machinery already offered; for they had paid only 1,000*l.* in fees, whereas the working expenses were no less than 6,000*l.* This expenditure must not be considered unsuitable when large estates were brought into the market to be cut up into building leases and for other purposes, but this cumbrous government machinery would become costly in the transfer of very small property. Some of these objections one of the papers had proposed to obviate. But the scheme would require forty, fifty, or sixty years to bring it to anything like completion. That was certainly a long time to wait before deriving

advantages of the system proposed. Of late years a great change had been made by introducing short limitations to clear the title of reversionary estates, mortgages, and other charges. This may produce speedy injustice, but it indicates the proper path to be trodden, viz., to reform the law of real property, and while respecting vested interests to assimilate it to the law of personalty. Building and land societies can now buy a large estate at a much cheaper rate than heretofore. That property is subdivided and the portions transferred with only the first investigation of title. Most of these societies have a rule providing that the expenses of the solicitor shall be limited to 5*l.* for a conveyance on sale, and 3*l.* for a mortgage; charges which would favourably compare with the fees which would have to be paid to a land office. Some societies give a free conveyance. Besides those fees a purchaser would still have to pay the family solicitor, because it was not likely that the government officials would forego their dignity so far as to condescend to enter into the feelings of the family, or their safety by taking upon them to give legal advice. Therefore, instead of being cheap, he feared that the new system would ultimately prove to be costly. As the Land Registry Office had done so little work, it was actually suggested in the last session that it should be closed altogether, but it was to continue for another year, when it was not improbable that the sum granted by Parliament would be withdrawn, and the whole affair cease to exist. The principles on which the Torrens system was advocated were plausible, but the proposal proceeded too much upon theoretical grounds, throwing aside the experience by which law reformers ought to profit. Experience showed that the attempt hitherto made to attain the end they had in view was a failure in this country, while the desired object might be accomplished safely and securely, without the revolutionary effects, and with all the benefits anticipated, by following those more simple and less ambitious reforms which had been pushed forward during the last few years by Parliament, perhaps to the injury of individuals.

Mr. A. F. Leach, Barrister-at-law (London), said the opposition to the views embodied in the first paper had been effectively answered. The Congress would not decide against the adoption of the principle under discussion on the ground that the daughters of some members of Parliament might possibly be suspected of having a few hundreds of pounds less for a marriage portion than it was generally supposed they would possess; or on the ground that the books constituting the register would be voluminous. If the proposed system were adopted in this country, as it ought to be, the centres of registry would be established in individual counties, and the books would not be so bulky as had been represented by the last speaker. But that was a point of detail which ought not to affect the judgment on the question of principle. There were no doubt practical difficulties arising from the operation of the law of trusts, but the real question was, which ought to be altered first—the law of trusts or the law of transfer? The last Commission which sat on this subject had decided that until the law of trusts was altered transfer of title was impossible, and that the experience of Australia was, therefore, not applicable. From that

conclusion he differed. They ought not to wait until the alteration of the law of trusts, desirable as that might be in itself, but should not postpone a mere change in procedure till they could effect a change in the substantive law. Under a registration of title private persons would have to rely upon their own skill and the honesty of those whom they choose to represent them as trustees, as was done in the case of railway shares. It would be more easy to have the control of trustees in regard to land than in respect of railway shares, and there would be no difficulty, in case of absolute transfer, in preventing fraud. The real difficulty arose in reference to mortgage, because, unlike transfer, there was no publicity which would prevent trustees from being fraudulent. The answer, however, was that the persons who chose the fraudulent trustees must accept the consequences. It was perfectly easy to ensure safety by having three trustees. Under the new system of registration it would be absolutely essential either that the trustees should attend in person, or that at the least their signatures should be appended to the transfer; by which means such reasonable security could be obtained as was to be expected in the affairs of this life. Theoretically he agreed with every word of Mr. Denny Urlin's paper. Practically, however, he regretted the action of the Association in regard to the Attorney-General's Bill on the subject of the Middlesex Registry. There were very good reasons why that measure should become law. It would save the country about 5,000*l.* a year. By a long process of extortion on the part of the officials, the fees had been raised to a point much higher than the scale fixed by the Act of Queen Anne.

The President (Mr. Westlake) inquired to what action on the part of the Association Mr. Leach referred.

Mr. Leach understood that the Association opposed the passing of the Middlesex Registry Bill, with a view to the introduction of the Australian system.

The President explained that the deputation which waited upon the Attorney-General simply advocated the adoption of the Torrens system.

Mr. Leach believed there was no chance of that system coming at the present moment into operation in England, and suggested that meanwhile the proposal, emanating from high quarters, should be adopted, viz. that the Middlesex Registry should be made a real registry for the whole metropolis, because there they had the principle of compulsion which the advocates of the Torrens scheme wished to see enforced. If it were successful there and in Yorkshire, where a similar registry existed, it could be extended to the whole country. That would be a step in advance, and prepare the way for the system of absolute registration of title.

Mr. Commissioner Miller, Q.C., LL.D. (London), was of opinion that the only feasible basis for the simplification of transfer of land in this country lay in the direction of registration of title. Mr. Nathan's plan for simplifying the registration of ownership of property was to destroy it. It was far from true that land stood in any different position from other property which was specific. The title could be made

as clear in one case as in the other. It was a mistake to suppose that this was a question for conveyancers, and that they were in any way interested in keeping land in any different position from personal property. In his own experience as a conveyancer he had had twenty deeds to settle with respect to personal property for one that came before him regarding land. Neither was it a question of large, rich estates as opposed to small ones. The movement in favour of the Australian system had come from lawyers, so that it could not be truly said this was a question of lawyers against the interest of the public. The real difficulty was the one which destroyed the effect of Lord Westbury's Act, viz., the initial expense; and unless the Government were prepared to undertake the initial expense of putting the titles on the register, any attempt to do this at the cost of the individuals who wished their property to be registered would prove a failure. The benefit to the country from getting all the land on the register, and from the simplification of subsequent title, would be so great that it might perhaps be worth while to pay that initial expense by means of a land tax. The increased value of the land consequent upon the registration would repay the amount of the tax twice or three times over, if that were done for the whole country, and not simply for the benefit of individuals. There would be no such practical difficulty as had been suggested in regard to the identification of parcels. An ordnance survey for the whole country, on the scale of 25 inches to the mile, was nearly ready, and would be amply sufficient for all purposes contemplated; for on a map of that scale, every tree and hedge could be separately marked, and if anyone wished to have the various windows in his house marked on his 25-inch map, there was sufficient room for it. For any practical purpose of conveyancing, any larger map was absolutely unnecessary. Nor would there be any difficulty from the necessary alteration of parcels. It was absurd to suggest that when there was such an alteration the whole map for the county or town must be reprinted. Part of the scheme, as it was actually worked in Ireland at the present day was, that on the folio where the title was registered, there was marked in the margin a map of the particular plot of land which was transcribed from the ordnance survey. It would be the duty of the owner, for the purpose of keeping his title clear, to take care that any variation in the boundaries or subdivisions of his land should be marked on the map attached to the document where the land was registered. One essential element of success in this or any other scheme was the absence of any interference with the practical powers of ownership at present enjoyed by land proprietors. Otherwise the resistance to the scheme would be fatal to its working. If the people of England were polled, more than four-fifths of them would be found to be absolutely opposed to anything that could be represented to them as in any way interfering with their right to do what they pleased with their land, even in subdividing it into plots of a foot square, or encumbering it with any trusts they chose. The smaller the piece of land the more tenacious the owner was of his power of dealing with it just as he liked. The idea of simplifying and improving registration of deeds, so as to make it operate for the

same purpose, was impracticable. According to the system existent in Ireland, there was a double register, geographical and alphabetical, the effect of which was that with every transfer of land it was necessary for safety to have a negative search, *i.e.*, a search geographically as well as alphabetically, to show that neither was there any charge in the name of the owner nor any charge registered against the particular piece of land; and this more than doubled the expense of conveyance in Ireland. Owning land both in Middlesex and in Ireland, he had found the registry in each place of no value, and of serious inconvenience. With an indefeasible title there must be a guarantee fund. It was all very well to say that the risk of loss was very slight; that was no satisfaction whatever to the unfortunate man on whom the loss fell. Besides, one class of risk of loss was by no means slight; and that was loss arising from errors in the copying of maps. Many such errors had in fact occurred. He mentioned an instance in which case the court found itself unable to rectify the error in a map, and great hardship was the result. But all that risk of loss which fell so heavy on individuals, might be easily covered by an indemnity fund, provided from the public exchequer, and therefore borne by the country at large, and this might fairly be covered by a very small tax on transactions, smaller even than the present stamp duty on conveyances.

Mr. R. Ramsden (Birmingham) said that nothing would raise so strong a feeling, especially among the small landowners, against compulsory registration or against Torrens' system as a tax levied for the benefit of the titles of those who held land at present. The first step should be a thorough survey of the land of the whole country. Such a survey being part of the title, the rest of the operation would be comparatively easy, and an adequate registration of titles might be accomplished. It was said that nobody would register unless compelled. Direct compulsion, however, might be avoided in this way. Certain fees and stamp duties had to be paid to the Government. If it were proved that registration should be a ground of exemption, people, in order to avoid payment of those duties and fees, would have their land registered forthwith, for the amount of these contributions to the revenue fell heavily upon owners of land, and formed a difficulty almost greater than the expense of investigating title. The succession duties, instead of being a charge on the land, should be a charge on the person benefited, as was carried in the House of Lords, and at all events there should be a limit of time, for it was the height of absurdity to contract the necessity for investigating title to land to twelve or twenty years, and yet leave an equal necessity untouched to investigate payments of succession duties for fifty years or more, as time ran on, since the imposition of these duties. Again, while the legislature decreased expenses of transfer with one hand, it increased them with the other. By the last Agricultural Holdings Act, charges on land in respect of compensation for improvements might be created by registration in the county courts, and this would necessitate a search in the registry of these courts in the case of the transfer of every acre of agricultural land, and considerably increase the expense of each transfer.

With regard to the suggestion that there should be a registry office in every county, if a fire broke out the records would be destroyed, unless there were a second place of deposit for titles.

The PRESIDENT explained that the Torrens scheme provided that the counterparts should have the same effect as the originals, in case the latter were destroyed.

Mr. RAMSDEN next called attention to the necessity that would arise of employing competent lawyers as registrars, in order that they might be able to deal with important questions connected with property under disputed wills. The intentions of testators were not unfrequently liable to doubt. In such cases, if there was to be no action at law, was the registration by the official appointed for the purpose to be conclusive? That was a question of considerable interest, which would have to be determined if the proposed office were established.

Mr. G. W. WOOD (Singleton, Manchester) did not consider the cost of carrying out the scheme would be a prohibitory difficulty, as registrars were employed in connection with the Middlesex and Yorkshire offices, and no serious inconvenience had arisen on the score of expensive salaries. Grave difficulties had, no doubt, to be overcome before the complications attached to land-owning could be removed, but with patience he believed all obstacles might be surmounted, with the assistance which experienced and able lawyers were well qualified to give.

Mr. R. DENNY URLIN, in reply, said that the system of transfer by registration of title was not, so far as he knew, advocated by anyone as a compulsory system in England. It was not even compulsory in the colonies; but once land was placed on a public Record of Title, it ought not to be removed therefrom. Sir R. Torrens attached great importance—and rightly—to this point. Land was first brought on the record by voluntary application; and these applications in our most wealthy colonies were multiplying by thousands. In England a certain amount of freedom of action must always prevail; but experience had now shown that if there is ever to be a public record of title to land in England (in the face of professional opposition) the law must provide that on any sale the land must on that occasion be brought on to the record. By means of the record only should any transfer become valid and effectual. So by degrees the land of England would come on the record. The expense of a complete official examination of the title had been objected to in this discussion. But all who had followed the paper submitted to them must have remarked that there were to be two distinct branches of the record—one for possessory or *primâ facie* titles, not officially investigated, which titles would improve necessarily year by year; and another branch of the record for guaranteed or investigated titles, for such as chose to incur that expense and run that gauntlet. This option was necessary. It had been objected that a public record of title involved costly inquiries into boundaries and easements; but this was a misapprehension. Even in Ireland these inquiries are easily made by the Ordnance Survey Department, who are ever at work revising their maps, and can revise any map in a few days. It had been objected that a public record would disclose mortgages;

but more delicate matters were now disclosed by wills, which anyone might see—experience showing that a small fee and some trouble sufficiently checked idle curiosity. In fact, there could not now be a mortgage without the fact becoming known to dozens of people. He did not, however, recommend that the proposed record of title should be freely open for public inspection. As to Mr. Nathan's proposed abolition of all settlements, if the country would agree to this, he (Mr. Urlin) did not object; but this country liked settlements, and his object had been in the paper to show that, in spite of settlements, there might be a free market for land by always inscribing *potential vendors* (whether trustees or owners) on a public record. Therefore, the discussion of settlement and entail was here irrelevant. It was a mistake to suppose that only crown grants formed the root of title in our colonies. A yearly increasing number of owners, holding under other titles of all kinds, sought the benefits of the Colonial Acts. The estimate of millions of house-owners in England made by another speaker was palpably wrong; for whole rows and streets of houses were owned by one or two persons, and the number of actual owners in fee was quite small in proportion to our population, as had long since been shown by public returns. Now the main point after all was that registration of deeds was a failure, whereas the record of title was a great success. Therefore, it was disappointing to find Mr. Leach advising an attempt to amend the former. This would be a retrograde step. The bad method should be abolished, and a good one established. Commissioner Miller had proposed a general inquiry into titles; but from so heroic and grand an enterprise one might fairly shrink. Mr. Miller had referred to a well-known case of a little strip of land conveyed by the Estates Court to the wrong person. This was a fact; but it was important to add that a sum of one hundred pounds a year would cover all errors and mistakes made by that Court, from its beginning in 1850 to its unfortunate end in 1878, when it was absorbed into the High Court of Justice. On the score of expense it was only necessary to repeat that, though an estate worth several thousands did not feel the burden much, the cost of selling and of buying a small farm or house was so disproportionate as to prevent the public from selling and buying, to the great loss of the community. The question of a central or local registry was one of detail not worth discussing there. The great point was the opening of a new public record (where kept was a minor consideration), on which all sales of land should be entered, with the option to every owner of an official inquiry into his title, and an official guarantee of its goodness. The 'Torrens system' had succeeded wonderfully, and therefore its adoption for England was advocated as a measure of vast public utility. So far as the public interests were concerned, it did not matter whether deeds were executed in one form or another. Let the conveyancers do as they liked, only render it obligatory—and this the public interest demanded—that all land should be capable of easy sale and transfer by inscribing on a public record the names of persons competent to sell. This was intelligible to all who knew anything about transactions in railway and government stocks. The time would soon come when ignorance and prejudice would be dispelled, and these were the only obstacles to the adoption of an analogous system in England.

Mr. J. H. GREGSON in reply claimed that the meeting had substantially admitted that the present system of transfer of land is defective, and that such defects are attributable to the great width of the power of dealing with land. He pointed out that those who had advocated the lessening of this power, instead of opposing an obstacle to the adoption of transfer by registration of title, had in reality argued in favour of the removal of one of the chief obstacles to its adoption, for the more restricted the power of disposition the easier would be the introduction of that system. He claimed, however, that the system of transfer by registration that he advocated, while combining the advantages of registration of deeds as well as of title, was (as was shown by the specimens laid before the meeting) applicable to transactions however complicated, and therefore to the recording of transactions carried out under the present wide powers of disposition.

THE LUNACY LAWS.

What Reforms are desirable in the Law relating to the arrest and continued detention of alleged Lunatics, and to the control of their Property? By A. E. MILLER, Q.C., LL.D., one of the Railway Commissioners.

THE question which I have been requested to bring under the notice of the Association on this occasion is not now brought forward for the first time. In the year 1878, when I had the privilege of presiding over this department at the meeting in Cheltenham, I ventured to call attention to the anomalous condition of the Lunacy Laws, and the insufficiency, as it seemed to me, of the safeguards adopted for the protection of personal liberty. I then pointed out the contrast, which I did not and do not hesitate to call 'disgraceful,' between the proceedings required for the incarceration of a thief and those which are considered sufficient in the case of an alleged lunatic; and I showed, at any rate to my own satisfaction, that this difference was wholly unnecessary and unjustifiable, and that an assimilation of the procedure in the two cases could be easily brought about, would obviate the most crying objections to the existing law, and palliate some others which could not be altogether removed, without introducing any countervailing disadvantage, at any rate of a kind worthy of serious attention.

The question attracted some notice at the time, but in the absence of the stimulus of any notable scandal, no sufficient public interest was excited to produce any practical result. This Society, however, has never quite lost sight of the matter, which has since formed the subject of two papers read at our Monday evening meetings in London; on

one of which occasions we had a very full meeting, largely attended by members of the medical profession, and a very interesting discussion, which was published in one of the numbers of our Sessional Transactions,[1] and which will amply repay the trouble of perusal by any one interested in the subject. I also, at the request of Mr. Howard, M.P. for Bedford, prepared a draft bill, for the amendment of the law on the lines pointed out in my address at Cheltenham, which he expressed his intention of introducing at the earliest opportunity. The attention of Parliament has, however, been engaged by more exciting, if not more important, topics, and the looked-for opportunity does not seem to have presented itself. Now, however, when the public mind has been strongly excited by the publicity which a particularly gross outrage upon personal liberty has obtained, and the scandalous facilities for abuse afforded by the present state of the law have formed the staple of remonstrances from the Judicial Bench, the subject may perhaps be legitimately again brought forward, with some reasonable hope of achieving a more practical result.

There ought not, one would think, to be much difficulty in determining the principles upon which a good Lunacy Law should be based; and it is not too much to say that these principles are not merely ignored, but in at least one very important particular reversed, by the existing law.

The first great error, as it seems to me, of the law as it stands is, that it authorises confinement (*i.e.* forcible imprisonment) in an asylum, public or private, in every case of proved mental infirmity, whether it be of a nature to require such treatment or not. In the case of 'pauper' lunatics, indeed, there are some limitations upon this principle, but they are imposed, not in the interest of liberty, but for the protection of the rates. Not very long ago a case came under my cognizance as a county magistrate, where a young man of a somewhat excitable temperament had conducted himself with a good deal of eccentricity, and had behaved in public in an unusual and decidedly 'odd' way, and even shown so much 'madness' in his conduct as seriously to have damaged his business. He was brought up before us in petty sessions under the Act which authorises the detention of lunatics 'found wandering,' and their committal to a county asylum. I need not trouble you with the facts in detail; they were quite sufficient to justify the police in apprehending him, and there was no difficulty in obtaining from the doctor of the Union the requisite certificate that he was 'of unsound

[1] *Sessional Proceedings*, Vol. xv., No. 3, 1881-82.

mind and incapable of managing his affairs.' So far, therefore, as the law was concerned the magistrates would have been fully justified in committing him to the county asylum, where he would probably have remained for the rest of his life. His brother, who seemed to be his nearest relative, appeared before us, and pressed us very much to take this course; and had he been able and willing to provide for his maintenance, he would probably have had no difficulty in bringing about this result. But as the effect of the order, if made, would have been to make the defendant chargeable on the county rate, the law required us to have the doctor who had signed the certificate produced and examined in open court. Greatly to the dissatisfaction of both doctor and brother, I insisted on 'going behind the certificate' and cross-examining the doctor. I asked him whether he had any reason to believe that the man, if left at large, would be dangerous to himself or any one else. He said, 'No.' I then asked whether he thought that harmless oddities were sufficient ground for depriving a man of his freedom, and he replied rather hotly, 'All I can say is that I consider him quite incapable of managing his own affairs.' On that I asked the alleged lunatic whether he had any objection to be sent to a place where he would be taken care of till he could look after himself. He thereupon expressed a strong desire to be liberated at once, and we unanimously refused to make any order for his detention. I mention this case because, though no injustice was done in *fact*, it illustrates very strikingly the particular defect in the *law* at present under consideration—the idea, namely, that mental imbecility is of itself, and entirely independent of any other consideration, sufficient ground for forcible detention as a lunatic. Until this notion has been got rid of, and it is clearly settled that no one is to be permanently deprived of his liberty on account of lunacy, unless either (1) his madness is of a dangerous character, to himself or others, or (2) he has no sufficient means of providing for his own support (in which case the asylum may properly be substituted for the workhouse), the law can never be regarded as in a healthy state. And on a question of *principle*, such as this, it is no answer to say that the present system, on the whole, works well: even if this be true—and I am far from admitting it—it would furnish no justification for the maintenance of a procedure based upon a radically unjust assumption. But in point of fact the system does not work well. I do not now refer to the greater or less probability of the improper deten-

tion of persons who either never were really insane or have recovered their sanity; with those I will deal by-and-by; but in the far more numerous cases of persons who really are insane, but harmless, and who are consigned by their relatives to the keeping of an asylum because it is the easiest way of providing for them, perhaps for the purpose of concealing from their friends and neighbours the fact that there is insanity in the family, the law seems to me to authorise a grievous wrong, under the pretence of extra solicitude for the welfare of the afflicted.

And in this, as in other respects, it is inconsistent with itself as well as with all sound principle. On what principle do we deprive of his liberty a man subject to some harmless illusion, which may or may not incapacitate him from carrying on his business, while we leave at large the habitual drunkard and the reckless gambler, whose vices are productive of consequences at least as detrimental to themselves, and far more injurious to others than can be predicated of the eccentricity of the 'harmless lunatic'? Take the case of Mr. Scott: he has been duly found a lunatic after an investigation which, for fulness and fairness, left nothing to be desired; and he is now, so far as the law can effect it, deprived of all control of property and all liberty of personal action; and yet nothing which has been proved against him would, apart from the suggestion that he was the victim of illusions, have justified his detention for a single day. It may be right, it would I think be right, to enact that a man who had shown himself incapable of managing his property with common prudence should be subjected to judicial control as to his *expenditure* (*i.e.* treated as though he were an infant in years as he is in intellect); but it is monstrous, in my opinion, that such a man should have his personal liberty interfered with on any ground which would not justify similar interference in the case of a man admittedly sane. I am not here dealing with the cases either of mere idiots, who are utterly incapable of intelligent action of any kind, or of persons subject to some temporary mental aberration, who may submit themselves or be submitted to medical care and treatment with a view to their recovery. These cases require separate treatment, and they are so few, relatively to the mass of chronic lunatics, that they may for the present purpose be passed over as exceptional.

But although the principal injustice in *theory* of the existing law is that which I have pointed out, its greatest injustice in *practice* is of a different kind; this consists in the

want of reasonable precaution against abuse in the case of persons whose sanity may be matter of doubt. And here the inconsistency and harshness of the law are strikingly apparent. Let us for a moment compare the proceedings requisite for the purpose of securing the imprisonment for a longer or shorter time of the burglar or the swindler with those required for the incarceration *sine die* of the suspected lunatic, and it will, I think, excite our astonishment to find how harsh we are towards misfortune, how lenient towards crime. The burglar, even if taken red-handed, must be brought before a justice without delay, and so much evidence given, in his presence, and subject to cross-examination on his behalf, as will raise a presumption that he is probably guilty; in which case he is remanded for a short time, seldom, if ever, exceeding seven days, to enable further inquiries to be made into the case; then, after a full investigation, in the course of which all the witnesses against him are produced and examined, and if he wishes subjected to cross-examination in his presence, he is, if his guilt be proved to the satisfaction of the magistrates, committed to take his trial; and he cannot, even after all this investigation, be detained in prison except for the short time which must necessarily elapse before the case can be submitted for further trial by a judge and jury. The man who has the misfortune of being suspected of lunacy has no such elaborate machinery for his protection; all that is required for his incarceration is a relative to make the charge behind his back, the keeper of a licensed asylum willing to receive him, and the certificates—unsworn to—of two medical gentlemen—neither of whom need have any special knowledge of mental disease in general or of the idiosyncrasies of the particular 'patient;' neither of whom need even have seen him twice in the course of his life—to the effect that they consider him 'of unsound mind, and incapable of taking care of himself.' No communication with the patient is needed; no cross-examination of the medical witnesses is possible: it generally happens, indeed, that the first intimation which the patient receives of the proceedings is finding himself seized by strange men, he knows not why, and carried off, he knows not whither. Here, too, it will be seen that the question is not whether sane men are or are not frequently improperly detained—it may be admitted that such cases are rare—but whether it is a creditable state of the law that it should deny to persons suspected of misfortune safeguards with which it surrounds those who are accused of crime.

Here again, therefore, it is no defence to say, if even it were true, that the system works well. It cannot be right to leave the determination of the entire future of any man to depend upon the judgment, untested and without appeal, of any two men whatever; still less of two men who need not have any special qualifications for the task, and who may have, and, as Mrs. Weldon's case shows, occasionally have, one special and important disqualification. I am not speaking of cases of conscious falsification; I am assuming, however difficult it may be to make the assumption, that the certificates are *always* honestly given; it is none the less intolerable that so weighty an issue should be suffered to depend upon the greater or less degree of ignorance, carelessness, or prejudice of two men—medical or other—taken practically, on the most favourable supposition, at random.

The second reform, therefore, which, as it seems to me, is urgently required, is that every case of forcible detention on the ground of lunacy should be made the subject of judicial investigation.

It is urged that in cases of a violent character there frequently would not be time to pursue any elaborate procedure; that the lunatic must be apprehended at once, who may inflict some irreparable injury on himself or some other. The answer is that on proper evidence that such a danger existed, a magistrate might be authorised to issue a warrant, which would justify the temporary detention of the individual till his case could be inquired into, and that this course would afford ample security against the apprehended evil.

It is urged, again, that the expense would be too great. Is it so found in the case of criminals? Why, I ask again, should we be willing to pay for a full and careful inquiry in the one case, and begrudge it in the other? It would, indeed, be right to provide that when the lunacy was established as a fact, the property of the lunatic, if any, should be applicable to pay the costs of the inquiry, as well as to provide for the maintenance of the lunatic; but if the poverty of an alleged thief is not regarded as a reason for condemning him without trial, why should it be so regarded in the case of an alleged lunatic? And the cost thus incurred would, on the whole, be inconsiderable. The investigation before the magistrates would, I think, be generally found sufficient to determine the question, and it might not be unreasonable to dispense with the necessity of a further trial by a judge and jury, unless either the alleged lunatic demanded it, in

which case he ought to be entitled to it as of right, or the magistrates in their discretion directed it to be held, on the ground that they were unable or unwilling to determine the question themselves. It is true that in the case of 'Chancery lunatics,' *i.e.* persons who have property so circumstanced that it becomes necessary to administer it under the order of the Lord Chancellor or Lords Justices in Lunacy, there is a statutory right to an inquiry by a jury, if demanded by or on behalf of the alleged lunatic; but there is no provision for bringing this to his knowledge, nor for throwing the costs upon the other party to the inquiry in case of a favourable verdict; and, so far as I am aware, the right has only been exercised in two cases—that of Mr. Wyndham, whose sanity was established, and the recent one of Mr. Gilbert Scott. It should, I think, be made imperative upon the magistrates, before making any final order, to put the defendant to his election whether to be dealt with summarily or sent before a jury, save only in those cases where it is obvious that the lunatic is incapable of understanding the option.

So far we have dealt with defects inherent in the law as it stands, which would be equally objectionable no matter how admirably it might be administered, and which therefore do not depend upon any question of abuse or otherwise. We now come to the consideration of a point which, though not necessarily faulty in itself, is such a source of and incentive to abuses of a serious character, as to require no less than the other prompt and radical amendment.

There was a time, not so very long ago, in the history of England, when, as regards a numerous class of prisoners, their detention was the source of pecuniary profit to the jailers; and if we go back a little further we come to a time when the same persons acted first as judges to sentence, and afterwards as jailers to detain, for their own profit. As regards criminals, this state of things has long been abolished; as regards debtors, it was swept away early in the present century; but as regards lunatics, it continues to the present day. The same person whose living depends upon keeping his house well filled with 'patients' is the person, and practically the sole person, to determine whether any particular patient ought or ought not to be discharged; and without attributing to the keepers of asylums any sinister practices whatever for the purpose of improperly detaining patients in their charge, it is inevitable that their judgment must be to some extent at least biassed by their interest, and

that they must often give themselves, if nothing more, at any rate 'the benefit of the doubt.' Even if all the proprietors and superintendents of lunatic asylums in England were, as Dr. Forbes Winslow says they are, 'actuated by one motive, the welfare of their patients and their restoration to a sound state of mind and body,' the fact would still remain that they alone, of all classes in this country, are sole judges in their own cause; that the one man who can pronounce a supposed lunatic sane is, in the case of the inmate of a private asylum, the very man whose interest it is to keep him a lunatic; and that even the most honest and conscientious of men cannot be expected, under such circumstances, to be eagle-eyed to observe the symptoms of returning sanity. Whether there is not at least one conspicuous exception to the illustrious army of perfectly disinterested asylum-keepers, the readers of the evidence in Weldon *v.* Winslow and Weldon *v.* Semple will judge for themselves.

I may not unfitly conclude my observations on this point by quoting the remarks of the Lord Chief Justice of England in his place in the House of Lords. His lordship is reported to have said that 'he could not help thinking that it ought not to be the interest of anybody to retard the cure of a patient.

> 'It was the interest of a public lunatic asylum to get rid of its patients, because the patients cost money instead of paying it; and as a matter of principle he must say that his experience had convinced him that it was not safe to give a medical man a pecuniary interest in the maintenance of his patient. In other cases of illness a medical man would be anxious for a speedy cure, because it would raise his reputation; but in the case of lunacy there was no such inducement, because in the event of a cure the subject was not one that any one would naturally like to speak about in society. In fact, it was the very last subject that the relatives of the patient would care to talk about.'

But then it is said that the Lunacy Commissioners can always be appealed to, and that they may be trusted to order the patient's discharge whenever it is proper to do so. That the Commissioners always endeavour honestly to discharge their duties may be taken for granted, but it is utterly impossible for them to act efficiently in this matter. Even when their attention has been drawn to a particular case by the intervention of some third person, although they invariably—I speak from personal experience—give it the

closest examination in their power, they are practically helpless; it is 'impossible that they should decide upon a mere cursory interview with the lunatic;' that is, indeed, by law sufficient to justify his detention: but to authorise his discharge we 'must have a close and continuous inspection of his habits;' we 'must not be deluded either by the proverbial cunning of the insane, or the occurrence of really lucid intervals, but must see him when he is off his guard, under all sorts of circumstances and at all sorts of times;' all which, when put into plain English, means simply this: that, except in cases so flagrant that they probably never occur, the Commissioners have nothing upon which they can act but the reports of the keepers themselves or their agents; and we are not therefore surprised to learn, on the authority of the Earl of Shaftesbury, the Chairman of the Commission, that during fifty years the certificates had been the subject of inquiry in but ten cases, and that in no single instance had the Commissioners interfered with them. In the case of the public asylums, where no one has any object in the detention of the patient, but the contrary, the Commissioners are of the utmost value as a tribunal for determining, in the interest alike of the lunatic and the public, whether he is fit to be discharged (though even in these cases they ordinarily act, as might be expected, upon the false assumption already referred to); but as a provision for correcting the errors, or worse, of the superintendents of private asylums, they are not merely, from the very nature of the case, ineffectual, but they are in this respect worse than nothing, that they present an illusory appearance of a safeguard really non-existent.

The only remedy for this state of things appears to me to be the abolition of private asylums altogether. No person other than the authorities of a public asylum ought to be intrusted with the charge of the person of a lunatic without the authority of a Master in Lunacy, or of the Commissioners. Such authority ought to extend only to the charge of the particular person named in it, and not to be transferable to any other person without express permission.

'Dangerous' lunatics ought in every case to be sent to the public asylums, where provision for 'paying' inmates could conveniently be made, with a maximum of advantage both to them and the public, while the attendant evils would be reduced to a minimum.

'Pauper' lunatics must of course continue to be sent to asylums, as the cheapest form in which they can be adequately

maintained at the public expense; but 'harmless' lunatics possessed of property sufficient for their own maintenance would be much better and more appropriately committed to the charge of separate care-takers, except in cases where—as might often happen—they consented to place themselves in the charge of any given individual, either for permanent residence, or in the hope of obtaining a cure.

It will be remarked that I have not based any of these suggestions upon any charge of general malfeasance on the part of the medical gentlemen connected with asylums. I do not doubt that such gentlemen are, as a class, neither more nor less honourable and conscientious than other English gentlemen. I have scrupulously confined myself to defects in the law, which would equally call for amendment if there were not a single needy, or careless, or ignorant, or venal, 'mad-doctor' in England; defects which have indeed acquired prominence from the exposure of a notable scandal, but which would none the less have existed and demanded remedy if the attempt upon Mrs. Weldcn's liberty had never been made, or if it had been successful and undiscovered.

On the Same.

By Meryon White, M.A., Christ Church, Oxford, Barrister-at-Law.

TAKING into consideration that a paper will have already been this morning read upon this question, and as one of the main objects of this association is that there should be due time left for the discussion by its members of the matter before them, my remarks upon the existing Lunacy Laws and suggestions for their amelioration and alteration must of necessity be brief, notwithstanding the great importance of the question before us, which affects not the property only of the British subject, but even his liberty and happiness, and may be his life also.

It will not, I feel confident, be asserted by anyone, however much they may be in love with existing things and averse to change, that the present Lunacy Laws do not require alteration, but work well on the whole. It has only recently been stated by a high legal authority, in the course of his summing up the case to the jury, in one of the most important of recent trials relating to the matter before us, that the unsatisfactory state of the existing Lunacy Laws

'was such as to fill him with alarm when he contemplated it. . . . He hoped the law upon the subject would be altered; it was not for him to say in what way, but he did say that the law in the state in which it was must be calculated to fill everybody who contemplated it with terror and alarm. He did not say it was a common thing that the law was abused, but it opened a door by which it was very easy to abuse it, and to cause a great deal of misery and distress to the individual concerned.'

I will briefly state the requirements of the present law that must be fulfilled before anyone can legally be incarcerated, possibly for the remainder of his or her life, in a lunatic asylum, before passing to the suggestions I would bring forward with the view of removing this seeming blot from off the statute book of the realm. The law states in effect that any husband, wife, relation, friend or person who chooses to think a man or woman insane may sign an order for his or her removal to an asylum. It is indeed requisite that a 'statement of facts' must be furnished, and that before the order is put in force, two certificates must be signed by two medical men to the effect that, after examining the party separately, they have come to the conclusion, and certify that the individual is of unsound mind.

The only qualification of such medical men who have the power of restraining the personal liberty of the subject being that each of them must be a physician, surgeon, or apothecary, and shall not be in partnership with or an assistant to the other, and each of whom shall separately from the other have personally examined the individual to whom the certificate signed by him relates, not more than seven clear days previously to the reception of such individual into the asylum. No oath or affidavit is required which if falsely sworn would render the party making it liable to a conviction for perjury, nor is there any responsible authority to resort to. There is indeed the inspection by the Lunacy Commissioners, but, subject to that, any person can in this way be locked up as a lunatic.

It may be urged by the advocates (if there are any) of the law as it is now framed, that this visitation and inspection at certain intervals by the Commissioners is a sufficient safeguard against any breach of the law which might possibly occur, and a guarantee to the public that no person will be retained for any considerable length of time in an asylum if of sane mind. This is a guarantee to a certain extent that if such Commissioners found an indi-

vidual who had been incarcerated without cause or one who had, though originally deranged, recovered his reason, he would by their authority be released from such restraint, and would be permitted to again enjoy the freedom which every Englishman prizes so much. But upon such an occasion as the visitation of the Commissioners, it can well be imagined that an individual, although perfectly sane, would, by the overwrought pressure of anxiety, be more or less excited and feverish in his manner, especially after his daily contact with the inmates of the asylum, and when the next few minutes' conversation with such Commissioners would determine whether he was to be kept in durance vile or be allowed to walk the earth once again a free man; without taking into consideration that the minds of his judges for the time being would naturally be somewhat prejudiced in favour of the view of his insanity (however uprightly they might wish to act in the execution of their important and delicate duties). Even then such an inspection by the Lunacy Commissioners does not prevent an individual being locked up as a lunatic for some months, and it is needless to state what would be the effect of such an imprisonment upon a sane person, goaded almost to madness by indignation at his unjust incarceration, and whose mind might have been slightly unhinged through some previous sorrow, grief, or sudden loss.

Under the present law a keeper of an asylum is under no obligation to register an order for the admission of a supposed lunatic, or give notice of it to the Commissioners, until the person is actually arrested under it and lodged in the asylum, so that if an individual was seized and kept for some time before being incarcerated in an asylum, the Commissioners would receive no information of such seizure until notice of the admission into the asylum was sent them, and, strange to say, their jurisdiction only extends to cases where the persons are actually under confinement for lunacy.

The public have a right to ask for a better guarantee for their personal liberty than to be exposed to the risk of being summarily seized and possibly entombed for life in an asylum upon the order of 'some person,' backed by the certificate of any two physicians, surgeons, or apothecaries, who are not required by statute to have the slightest knowledge of the diseases of the mind, or to have practised for a single day in an asylum, and in most cases are perfect strangers to the supposed lunatic. It seems incredulous that such men, the very selection of whom may even be intrusted to the keeper of the asylum to which it is intended

to consign the individual, should, possibly after a few minutes' conversation with the alleged lunatic, have the power, it may be said, of signing away the liberty of the subject—a power which scarcely any other man on this earth possesses.

It can scarcely be imagined that in this enlightened age such a thing were possible, when even a criminal cannot be incarcerated without the order of a magistrate or some one in authority. An alleged criminal is much better off than an alleged lunatic, for the former knows what he is charged with, whereas the latter is tried without being made acquainted that he is even on his trial, and much less of the nature of such trial.

It is manifest that the incarceration or retention of patients in private lunatic asylums must needs be, as a general rule, a source of profit to the keepers or proprietors of such asylums. It is submitted that every incentive pointing to the derivation of profit from such a source and for such purposes should, if possible, be done away with, so as not to give men the slightest opportunity of having their minds warped from their proper course by the greed of gain. Although I am aware I am touching on quasi-vested interests, I would submit that it should be declared illegal that any lunatic asylum should be kept other than the public asylums now established in his country, or those to be erected hereafter of a somewhat similar nature.

Upon the abolishment of private lunatic asylums there would, it is submitted, be two things to be considered.

First, what should be done with the keepers or proprietors of such asylums, who in many cases would be doctors of considerable age and experience, and who may be endowed with a large family, dependent to a great extent upon the professional earnings of their father, whose annual income would naturally (I regret to add) in the usual course of things be considerably greater by the increase in the number of his patients, occasioned either by a larger number of admissions of new patients or by the retention of old patients as not having been cured, or possibly the inmates of his asylum may have become more numerous owing to both causes?

It is evident that if all private lunatic establishments were suppressed some of the public asylums would have to be enlarged, and where necessary, additional doctors would have to be selected to take charge of a certain number of patients where it was found that the number was too great for the staff of doctors appointed to any individual asylum.

And it is submitted that for a time at least the claims, if considered satisfactory, of the doctors who had kept private lunatic asylums should have a slight preference (but a slight preference *only*) amongst candidates competing for such posts.

Secondly, by reason of such a large addition to the number of patients in the public lunatic asylums, or establishments which would be under the same control and supervision, it is manifest that there would consequently be a very serious increase in the rates to be levied, in order to support the efficiency of the asylums. Now I am myself strongly in favour of making everything bear as much as possible its own burdens, and greatly averse to the present practice of throwing almost all the pecuniary burdens of the State upon the rates. I would suggest that certain wings be added, if necessary, to the public lunatic asylums, or that the disused private establishments be purchased or rented, where feasible, so that hereafter as at the present time individuals, who can afford and prefer to pay for the luxuries attendant on a private establishment, should in the future also upon payment by them be able to enjoy similar advantages and luxuries. By this means the suppression of the private lunatic establishments and licensed houses, and the handing over of their patients to the authorities who have the control of the public lunatic asylums, would not occasion the slightest increase in the rates, as it might be made *self-supporting*. Clearly private lunatic asylums are kept by their proprietors for no other purpose than for the sake of profit, and are self-supporting, and usually (after deducting expenses incurred) with a very considerable amount of profit, which goes into the pocket of the proprietor or keeper of the asylum.

These facts show that if the authorities who have the control of the public lunatic asylums charged certain patients with the same amount of money as is now paid by them to the owners or keepers of private asylums, there would be a large surplus which might be applied by them for the purposes of the other asylums under their supervision and control, and by this means even causing a reduction in the rates levied for their maintenance and due efficiency. I am not personally in favour of the view that the State should, through the misfortune of individuals who have become of unsound mind, lessen at their expense the rates which are levied upon the community; but I would suggest that the State should charge individuals who prefer and possess the means of enjoying any extra advantages (if any) and luxuries now to be had in private establishments, at a

rate sufficient to cover any additional outlay incurred by the authorities for that purpose, and which in the natural course of events would be a considerably less sum than that now charged by the proprietors of private establishments.

I would also submit that, before a supposed lunatic can be incarcerated, the order for his admission into an asylum must have been sanctioned and indorsed by the Lunacy Commissioners, and that such indorsement should not be made until after an Expert (who should be a physician, and not concerned in any private practice whatsoever) had, after holding a separate examination, certified as to the person's insanity, and confirmed the certificates of the medical practitioners, to the effect that the unsoundness of mind of the individual was such as *required his detention.* The appointment of such Experts should, it is submitted, be vested in the Lord Chancellor, and should not be an annual appointment, but an appointment of a permanent character, subject only to dismissal by the Lord Chancellor for the time being. Occasions may occur in the future when it would be to the advantage of the community that the services of some one or more of such officials should be dispensed with. And I would also suggest that no medical practitioner should be eligible for these appointments unless he had been in actual practice for ten years immediately previous to such appointment.

The number of Experts required and the districts to be allotted to them would presumably be determined upon by the Lunacy Commissioners, and left to their discretion, subject to the approval of the Legislature.

A system of granting bonuses to the assistants on the number of cures effected (it is assumed that such a plan would be inapplicable to the doctors) who are employed in the asylums, in order to promote their zeal and activity in effecting cures of patients, might be considered. But I would suggest that such bonuses should not be handed over to the recipients until after the expiration of twelve months from the date of the release of the individual confined, and should not be payable in the event of the quondam lunatic being again confined in a lunatic asylum within twelve months from the date of his release.

In conclusion, it is submitted that this question should be looked at from a common-sense view for the welfare of the public, and not for individual interests, and that every effort should be made to alter a law which opens a wide door for abuse by the facility of the proceedings under it, whereby

a sane person can be locked up in a lunatic asylum; and that everything promoting the signing of false certificates originating from bad or sinister motives, or for the gain of the signatories to such certificate, or from a desire of assisting in the design of others, and not from an honest desire of discharging his duty, or from the reckless signing of certificates, whereby the wrongful incarceration or retention in an asylum can possibly be occasioned, should be removed and swept away as much as possible. For who of us now present at this meeting is safe under the provisions of the existing law, and could not forthwith be lodged in an asylum?

Many of us, if not all of us, have read at some time or other such books as 'Valentine Vox' and 'Hard Cash,' but scarcely one of us, I feel sure, could believe that such things were possible—that some people could, through the malice or sinister motives or recklessness of others, be locked up in the company of insane people until, at length, even the minds of perfectly sane individuals became unhinged through their contact with those whose minds were deranged, and whom they were obliged to meet and listen to the mad and eccentric thoughts and ideas of their wandering minds—but we naturally deemed the incidents written in those and books of a like nature to exist in the imaginations of the writers of fiction, and not to have happened in stern reality; but truth is oftentimes stranger than fiction, and of late we have been rudely awakened to the fact that under the existing Lunacy Laws such things are indeed possible, and more than probable.

Still every cloud has its silver lining, and we must perforce look forward to the time, which, I trust, is not far distant, when the Legislature shall, by its enactments, have dissipated this cloud of doubt and uneasiness on the minds of British subjects, and the slightest possibility of a sane person being incarcerated in an asylum may be obviated. This question, being of the highest importance to the subject, should, it is submitted, be dealt with by the Legislature upon the first occasion that presents itself. For this law affects not the property *only*, but frequently even the liberty and the happiness, of Englishmen and Englishwomen; not for a week or a month only, but probably for a lifetime under the most horrible conditions it is possible for any of us to conceive. I submit that the reform of the Lunacy Laws should at once be undertaken.

DISCUSSION.

Mr. JOSEPH BROWN, Q.C. (London), while admitting the moderation with which the subject had been treated in the two papers, submitted that the conclusions drawn by the writers were not justified by the premises they had brought forward. Mr. Miller held that the first great error of the present law was that it authorised confinement (*i.e.* forcible imprisonment) in an asylum, public or private, in every case of proved mental infirmity, whether it were of a nature to require such treatment or not. To that view he, for one, objected. The first fallacy of Mr. Miller's contention was shown by the fact that, in a large number of cases, it was impossible to tell whether a man, proved to be subject to mental infirmity, was or was not harmless. He might be harmless at one time and very dangerous at another; he might be mischievous to himself, damaging or squandering his property, and so destroying the means of maintaining his family: or he might be mischievous to others. During his own long lifetime, which had exceeded three-fourths of a century, he had known many cases of that kind. The speaker gave some striking examples from his experience. In the next place, if a man had a harmless illusion which, at all events, reduced him to the condition of a child, he was not fit to take care of himself, and he ought to be taken care of by others. Indeed to put such a person into an asylum was a positive kindness, both to him and his family; because his confinement would prevent him from squandering his property, and would remove him from the opportunity, in case of an outbreak of a dangerous character, of doing mischief. The first proposal of Mr. Miller was, therefore, open to objection. With regard to the next position, the contention of the writer of the first paper was, that the principal injustice of the existing law lay in the want of reasonable precaution against abuse in the case of persons whose sanity might be a matter of doubt. This want of reasonable precaution Mr. Miller illustrated by adverting to the case of a burglar or a thief who, he said, could not be confined without a judicial investigation before a magistrate. That was true only to a certain extent, because a burglar could be arrested simply by the authority of the common law, and without any warrant at all. It was true that he must be brought before the magistrate, whose authority must be obtained before he could be detained for any length of time; but it was to be observed that the burglar was sent to prison when arrested and was treated there as a prisoner. So was the lunatic, said Mr. Miller. So he was in a technical sense, and in no other, when sent to an asylum: he was no more a prisoner there than a boy was at school; the asylum was really a home for him; it was a place where he was taken care of and treated as an invalid, but treated as a child to this extent, that he was not allowed to escape until there had been some investigation into his case. Between the lunatic and the burglar there was this analogy. The matter must be reported to the Lunacy Commissioners, who, visiting the asylum at certain intervals, inquired whether the person detained was a lunatic or not. Therefore the inquiry was made as a general rule. It was rather a hard accusation against the humanity of mankind to allege that either men or

women were often locked up as lunatics, without a strong reason for their detention. In cases in which he had been legally concerned, if it was not absolutely proved that the person ought to have been confined, there were, at all events, the strongest reasons for suspecting it. In these cases it is true that he had seen verdicts given by juries directly contrary to the evidence and most outrageous to common sense. Such verdicts were probably influenced by the eloquence of the plaintiff's counsel in talking about the liberty of the subject, false imprisonment, the rights of man, and so on. One of the precautions provided by the present law was that, if a man was shut up as a lunatic, he was sure to have an early opportunity of being examined by the Lunacy Commissioners, who would consider whether there was any ground for setting him at large. Another precaution, which Mr. White in the second paper had pointed out, was that two medical men, who had made a separate examination of the alleged lunatic, must certify from their experience that the person they had examined was labouring under certain illusions specified in the certificates, and that he was a proper person to be confined. In Mrs. Weldon's case the jury had given heavy damages against the two doctors who had certified, because they did not comply with the law; they had not made a separate and independent examination of the alleged lunatic, as the jury expressly found; they had taken their information from the husband who had not seen his wife for a year, and one, if not both, was a friend of the keeper of the asylum. For his own part, however, he was not at all clear that he would have given the same verdict upon the same evidence. It was said the law was incomplete for want of a judicial inquiry in every case before anyone was put into an asylum. How many persons knew what the cost of such a judicial inquiry would be? He had been legally concerned in some of them. He recalled two or three to his mind: one lasted a week, another a fortnight, a third several days. There were expensive counsel and solicitors engaged on both sides, there was a host of witnesses, and the inquiry cost hundreds of pounds. In the case of Mrs. Weldon, the inquiry lasted the best part of a fortnight. Any inquiry might run to great length if it was to anybody's interest to go into it. How could such an inquiry be undertaken in the case of a pauper without throwing an enormous expense upon the public? There would also be much delay, for a judicial inquiry would require some preparation beforehand, the evidence must be collected with great pains and written out in brief, in order that it might be furnished to counsel. A month would be too short a time for preparing the case; according to his experience, three months at least would be necessary in cases of any doubt for a complete, effective, and honest inquiry. In the meantime the alleged lunatic would be allowed to go at large, and in the interval he might commit all kinds of mischief: he might murder his wife or children. The danger was not imaginary, as he could testify from personal experience, for his life had been threatened three times by lunatics at large—once by a clerk to whose case he had already referred, and in the other two cases by entire strangers. Such persons ought unquestionably to be locked up. The newspapers too frequently contained accounts of men destroying their children or

killing their wives in fits of lunacy. All such persons should have been locked up long before. Mr. Miller mentioned an extraordinary fact, which contained a presumption against him—he states it on the authority of the Chairman of the Commission—viz., that during fifty years the certificates had been the subject of inquiry in but ten cases, and that in no single case had the Commissioners interfered with them. In 1876 a Select Committee sat upon this question of the lunacy laws. That Committee, which consisted of competent men quite as anxious for the liberty of the subject as were the writers of the papers, examined a vast number of witnesses, published a huge folio volume of evidence, and reported that they had found no occasion whatever to interfere with the present laws, except in one or two matters of detail. The Committee did not recommend alterations in the direction of the proposition of his learned friend, Mr. Miller. That was a strong fact, considering that not one of the members of the Select Committee had any interest whatever in either supporting or opposing the existing lunacy system. He had never heard a more astounding proposition than that private asylums should be abolished. The Committee, in their report, distinctly rejected the proposal. From all he had been able to learn, either from the evidence given before the Parliamentary Committee or from other sources, he had concluded that it was much better for a man to be in a private or in a public asylum than not to be confined at all, if he was a lunatic. To send to a public asylum a man whose relatives could afford to pay 100*l.* or 150*l.* a year for his treatment in a private asylum, would be esteemed by them a great hardship and cruelty. Of course they would take good care to ascertain the character of the keeper of the asylum and the mode of treatment before sending the patient to the private asylum. There was a trial at Maidstone a few years ago arising out of the disputed will of an old lady who, dying in a lunatic asylum, had left all her property—many thousand pounds in value—to the keeper of the asylum. The will was contested by the heir-at-law of the old lady at an Assize trial, and it was proved that, after recovering her senses, she was so grateful to the gentleman and lady who kept the asylum, that she deliberately chose to pass the rest of her life there, and left her property to them out of gratitude, to the exclusion of her heirs. The jury were so convinced by the evidence that they found for his client, the keeper of the asylum, to the exclusion of the next-of-kin. That was an instance of the kind treatment which patients received at private asylums, whereas, if kept in private houses instead, they would probably have to endure treatment of a most cruel and abominable character, because they would not be subject to the same inspection as was exercised over private asylums. Again, it would be cruel to compel the relatives of a rich lunatic to send him to a public asylum, because then they would have to disclose to all their friends the unfortunate infirmity which had occurred in the family; and there was no matter about which families were more jealous. The report of the Select Committee of 1876 was the best answer to the remark alleged to have been made in Mrs. Weldon's case by Mr. Justice Hawkins, who said the laws required alteration. That learned judge had not gone into the

matter at the length the Parliamentary Committee inquired into it; he had not heard the witnesses, and, perhaps, had not read the report of the Committee. It was impossible for the wit of man to devise a system of law which would prevent the possibility of any sane man being locked up. The present law provided a system which was as little subject to abuse as any that could be invented. Cases like Mrs. Weldon's were so rare, that such a complaint did not occur once in ten years under the existing administration; and even when it did happen people were left in doubt whether, after all, the person concerned would not have been better in the asylum than out of it.

Dr. Bodington (Kingswinford), though himself a proprietor, expressed himself in favour of the abolition of private asylums, or rather of their conversion into public ones. He had, as far back as April, 1879, advocated, in a letter to the *Lancet*, that view, which was shared by other keepers of private asylums, as evidenced by the passing of a resolution at a meeting of the Midland Medical Society subsequently held in Birmingham, and at which he read a paper on the subject of Mr. Dillwyn's Bill, at that time before the House of Commons. There were many private asylum proprietors present at the meeting, and they would have the bill, the whole bill, and nothing but the bill. He considered that the best course would be not to abolish the private asylums altogether, but to transform them into public institutions under the control of the State, and immediately subject to county management. Speaking for others, as well as for himself, he did not like to continue holding establishments under a stigma. A great deal of hard language had been used towards the proprietors of private asylums, who were regarded with suspicion, notwithstanding the fact that they were incumbents of positions which dated back to a period prior to the existence of public asylums in this country, and long before any Lunacy Acts were passed. At least, they were not all low speculators, if indeed any were. Since, therefore, they had succeeded to a position from which they could hardly save themselves, some consideration was due to them on that ground, and especially on the ground that, after hearing an enormous amount of evidence, Mr. Dillwyn's Select Committee reported that there was really no *mala fides*, and that the alleged cases of abuse were not substantiated. Under these circumstances it would not be just, if private asylums were abolished, that the proprietors should be turned adrift with no income, and no property left from which to derive one. If, however, their establishments were to be converted into public asylums, they might receive appointments as managers, where such an arrangement was practicable, as part of the compensation which would be fairly due to them for disturbance. On that condition he believed the proprietors of private asylums would, as a body, cordially support the proposal for conversion into public institutions. It was, he understood, an open secret that Mr. Dillwyn's Bill was drafted by a private asylum proprietor. Although he for one would not allow there had been abuses, yet, in order to set the public mind at rest, the law might be altered so as to admit of something in the nature of an official inquiry before the certification for admission into an asylum. That was a reasonable demand made in the papers read, and moderately put,

especially by Mr. Miller, who, in all his advocacy of lunacy reform, had been temperate and just. But, even if a set of officers were appointed to conduct an inquiry in public, there were many other bearings of the question which would have to be carefully dealt with before the public mind could be satisfied. As to friends of lunatics objecting to the knowledge of the family taint being made public, the other side of the question demanded serious attention. His long experience as proprietor and superintendent of a private asylum had led him to the conviction that it would be to the public a great advantage if publicity were given to all matters connected with lunacy. That course might meet with strong opposition on the part of friends, for they made the most strenuous efforts now to maintain secresy; but with what result to others who had no knowledge of the taint? The most serious consequences had followed in cases, within his knowledge, where a man or woman had married unknowingly into a lunatic family, and their experiences had been most bitter when, years later, they made the painful discovery. He had known instances in which this knowledge had been purposely and carefully withheld. Therefore, in the interest of the public, all cases of lunacy should be made known, although there might be an outcry against the revelation of family affairs. He did not go the length of saying that every member of every family tainted with lunacy should be debarred from marriage. Such a veto would hinder a very large percentage of marriages, but there were persons who ought to be distinctly warned against taking such a step, because it was extremely important not to perpetuate insanity. Prevention was the great aim in these lunacy maters. The manner in which the inspectors discharged their duties had been the subject of criticism on the part, not only of the *Lancet*, but of persons who were advocating an alteration in the lunacy law. It was objected that these officials did their duty in a careless and perfunctory way. His own experience by no means confirmed that opinion. On the contrary, the inspection was most rigid and harsh, not towards the patients, but towards those who had the care of them. The proprietors of private asylums had reason to complain of the Commissioners for their rudeness, superciliousness, and harshness. The admission of pauper lunatics required safeguarding. They were not certified in the same way as private lunatics. It was done by magistrates, and in the absence of a magistrate, the officiating clergyman could make the order: he had to call to his assistance one medical man only, who signed the certificate. As a rule, a magistrate and one medical man acted in the matter; and in very many instances it was done in a very careless, superficial fashion. In one case, reported in the Birmingham papers, a magistrate examined the patient simply by looking at her through a cab window, and then signed the order for her removal to a lunatic asylum. In the other case, the medical man who signed the certificate said he had not seen the magistrate, and did not even know him. So much for official certification. As at present conducted, it does not seem to be half so carefully done as the certification of private patients by two medical men, about which complaints are so loud and frequent. The grave responsibility incurred by medical men when certifying for the removal of a patient to a lunatic asylum could

scarcely be exaggerated, as the case of Mrs. Weldon had clearly shown. They certified under the dread of an action at law and heavy pains and penalties, and as a rule they were in consequence extremely cautious. The risk was, therefore, infinitesimal of any sane person being confined in an asylum, and this opinion the Select Committee had confirmed. Judicial inquiries of an extended character would not satisfy the public mind. In Mr. Gilbert Scott's case the trial by judge and jury lasted several days; but the result did not give satisfaction to Mr. Scott nor to one of his friends, who wrote that the imperfection of the lunacy laws had received a signal illustration, for Mr. Scott, he said, was sane in France, but insane in England, which reason induced him to stay in France. Now the inquiry as to Mr. Scott's state of mind was conducted in open court before a jury. It was as official and judicial as possible, but this did not satisfy his friends, who ludicrously alleged his case to be another flagrant example of the badness of the lunacy laws. As to the appointment of specialists, they would find insanity where ordinary medical men could not detect it. It was well known that specialists could see a great deal more of their own speciality than other men could, and sometimes more than really existed. Their employment to certify as to insanity would, therefore, only narrow the meshes of the net, which would draw more people into the asylums than ever. It might not, however, be a bad thing to get more people into asylums than were now in, for no doubt many insane people were at large who were dangerous to themselves and others. A collection of newspaper cuttings in his possession showed an astonishing number of suicides by persons who, having shown obvious signs of insanity, had not been kept under proper control. It would be far better, in the interests of the families concerned, that suicides and acts of violence should be prevented by taking charge of patients at an early stage.

Mr. W. Ross Jordan (Birmingham), who had examined nearly 400 pauper lunatic cases during the last two years, said he had been struck by the fact that a larger proportion of poor people were anxious to have their friends put into a lunatic asylum, than he had previously observed among the well-to-do classes. If a poor man were helpless in any way, or aged and unable to get a living for himself, his friends seemed anxious to get him into an asylum, notwithstanding the absence of any illusion. Of course there are marked exceptions. In one instance, he was called in three times to see a man of eighty, whose only infirmity was the puerility which comes on in old age, with an occasional outburst of temper and swearing; he also had incontinence of urine which made him offensive; he was the stepfather of the persons who thought him a fit inmate of a lunatic asylum. Cases also had been sent to him by medical men quite unfit for an asylum—one, a woman suffering from the delirium of typhoid fever; another, a man with acute rheumatism (fever), delirious and violent. This and similar experience convinced him of the extreme importance of a medical man, who had to examine for insanity, particularly among pauper lunatics, depending on his own observation rather than the mere hearsay of relatives. Some people would tell one tale to one person and exactly the contrary to another, purely from a want of accuracy. A great

difficulty often arises from the want of intelligence in the friends—there seems to be in some families a very short stage from the normal to the abnormal stupidity. With regard to mild cases of elderly persons who were imbecile and could not be improved by treatment, it would be useless and cruel to have them removed to a lunatic asylum. There are many lunatics abroad who certainly ought to be detained, if for no other purpose than the protection of the public. Up to the present time the cry has altogether been for the protection of the lunatic or the criminal—lunatics mental or moral; but there had been no outcry for the protection of the public.

Mr. Frank Safford, Barrister-at-Law (London), remarked that the opinions of the writers of the two papers concurred in principle, and differed only in detail as to the necessity of an alteration in the lunacy law. He questioned the strict accuracy of the statement of Mr. Joseph Brown, that three months would be needed to get up the evidence in a judicial inquiry as to the man's insanity, because at the present time in the case of pauper lunatics such inquiries were conducted in the police courts, and not one lasted a whole day. Most of them only occupied half an hour. In such a case a medical man was called in; he went before the magistrate, signed the certificate; the magistrate had the lunatic before him, and a proper judicial inquiry was made. In the case mentioned by Dr. Bodington, where the medical man did not know the magistrate, that was an advantage rather than a drawback, because in a judicial inquiry it was evidence that had to be relied on. Mr. Joseph Brown had said that a case like Mrs. Weldon's only occurred once in ten years. That was because only once in ten years, when a mad-doctor sent his satellites to a house, the object he wished to take escaped from his clutches. If Mrs. Weldon had not escaped, probably the public would never have heard of her complaint. Mrs. Weldon, having taken matters into her own hands, ably conducted her own case; and until she brought out the facts the country could not believe in the existence of such a system or such a law as she exposed. When the matter was put before him he was astounded, and considered his opinion over and over again before he allowed it to leave his chambers, for he could scarcely credit the facts disclosed. With regard to the expense of a judicial inquiry there need be none incurred, because there were already existent courts perfectly competent to consider whether a man was a lunatic or not. A county court judge, if preferred to a magistrate, might, in his civil jurisdiction, conduct such an inquiry. As lunacy was a misfortune, and not a crime, it would be well to provide that the investigation should be conducted in private, unless the magistrate or judge should otherwise direct.

Mr. William Griffith, Barrister-at-Law (London), said that, if a gentleman of so much experience as Dr. Bodington had come to a conclusion in favour of the semi-abolition of private asylums, there was considerable reason for the proposal now brought forward for their entire abolition. It was said that the Commissioners were rude, harsh, and supercilious in their inquiries. If that were an habitual proceeding on their part, it would suggest the inference that, in a majority of instances, their action was by them deemed necessary; and that, therefore,

they would act in that manner, not because they thought it improper, but because they held it to be necessary. Considerable stress had been laid on the Report of the Select Committee of 1876, because it did not come to any very definite conclusion; but on closer examination it would be found that the members of the Committee were divided nearly equally on the question whether measures of precaution should be taken, a course strongly urged by a large minority. The facts contained in the Report of the Committee had been supplemented by others brought to light within a recent period. The public was largely indebted to the medical profession for the benefits it rendered in the relief of suffering; the evidence in Mrs. Weldon's case showed that in some instances they might abuse the powers they possessed. Some people were locked up simply because they had peculiar religious views. Instances had occurred where the sentiments of civil and religious liberty, which did honour to human nature, seemed to have been violated. In the last session of Parliament, the Lord Chancellor did his best to defend the existing system, but he felt obliged to assure the peer who had moved the resolution on the subject, that the Government would consider the question. It was rather opposed to English notions of liberty and freedom that two gentlemen, whether medical officers or not, should insinuate themselves into the private confidence of an individual without giving him any notice whatever, that they should put to him leading and test questions which would never be allowed in a court of justice; and, though he had no opportunity of explaining, that they should at once certify that he was insane. In a court of justice, when a witness was examined, there was also cross-examination by the opposite side and re-examination after that; but in the case of certifying for lunacy, everything might be done in private; there was no one to advise the unfortunate subject of the examination, and everything rested upon the honour, integrity, and skill of the examiner. Human nature was fallible, and even the most honourable man might be mistaken upon an examination off-hand, without having any previous knowledge of the constitution or the idiosyncrasy of the person examined. In the debate upon the lunacy laws during the month of May of the present year in the House of Lords, Lord Milltown warned his audience that, wealthy though they might be, they were peculiarly in danger—

> Of her noblest citizens deprived,
> Rome mourned, and yet those laws survived.

'Any peer,' said his lordship, 'may be arrested as a wandering pauper lunatic, and then transferred from the jurisdiction where liberty is protected to that of lunacy on the certificate, not of two medical men, but of one only.' Lord Shaftesbury thought 'there was not much abuse in practice, but unfortunately the judges themselves differed as to the law. Thus Sir J. W. Huddleston held that the keeper of an asylum might arrest his lunatic wherever found, while Sir H. Manisty held that he could not. Though the law might be doubtful, that did not affect the medical treatment under which numerous, very numerous cures took place sometimes, as in the asylum at Prestwich, in so short a period as twelve weeks.' The head of the Common Law of England,

Lord Chief Justice Coleridge, expressed 'his strong condemnation of the system. In 1845, and again in 1853, measures greatly improving the system had passed through Parliament, but the period from 1853 to 1884 was a long one, and without any measure of that character. The system broke down upon its dividing line. The French law treated this branch of jurisprudence as one involving rights of property. But England was the land of freedom, and her laws regulated lunacy procedure with a respect for personal liberty. Practically, however, the question degenerated into one of commerce and trade, and in his opinion the keeper of a private asylum ought not to have an inducement to retard a cure. The statistics showed that the percentage of cures in private asylums was less than that in county asylums under the direct superintendence of the magistrates.' Lord Selborne argued that the lunacy laws were for the protection of lunatics, for there might be persons who wished to shut up relatives without sufficient grounds; that the cases investigated by the Commissioners showed that there had been no absolute breaches of the law. He had seen letters from patients, some of which showed unsoundness of mind, some did not; but further inquiry proved that the writers were dangerous. As to private asylums he should not controvert, but he could not corroborate what the Chief Justice had said. The subject was not free from difficulties, and perhaps the best course would be to send persons abroad to study foreign systems. If so able an advocate considers such a course necessary the law may be made, but the practice must be worse.

Mr. J. H. Levy (London) took exception to the argument of Mr. Joseph Brown, viz., when he demurred to the plea that persons should not be incarcerated simply for being lunatics, when not violent or harmful to anyone, on the ground that it was impossible to tell when they might become dangerous. It was impossible to tell when any sane person might become dangerous by committing some disorderly or criminal act; but that was no reason why he should be put into prison. The argument involved the presumption that a person suffered incarceration because you could not tell but that at some future time he might not be guilty. After a person was confined in a lunatic asylum the Commissioners went there and investigated his case; but the presumption already was that the man was mad, and they therefore looked for rebutting evidence. Consequently, the burden of proof was in the wrong place. The man should be proved to be a lunatic before he could be put into the asylum at all; and a lunatic of such a kind that he would be a danger to the public and to himself. The deprivation of liberty could be justified only on the ground of danger, and not merely on that of insanity. There ought to be a public judicial inquiry. If the decision for the incarceration of the lunatic was to be taken by some judicial authority, there should be a jury who would represent the public, and if the jury were not asked for a verdict, they should at all events be desired to give their assent or not to the decision of the presiding authority, and the assent should be necessary before the alleged lunatic was deprived of his liberty. Private asylums should undoubtedly be abolished. In a free country,

it was a monstrous thing that one private individual should have the right to keep another in durance vile. If it was necessary for any purpose that anyone should be deprived of his liberty, the responsibility of that step should be undertaken by the State. All public asylums need not be like Bedlam; private State asylums might be provided for paying patients. Whereas it was to the interest of keepers of private establishments that their patients should be lunatics for the rest of their lives, there would be no such danger in the case of municipal or State institutions. All lunatic asylums should be periodically open to visitors.

Mr. Dominick Daly (Birmingham) entered into some of the circumstances connected with the case of Mrs. Weldon, in order to show that, whether she was sane or insane, her treatment furnished a forcible illustration of the necessity for altering the law in reference to private lunatic asylums. The broad principle of the law was complied with, but still that lady would have been improperly carried off to an asylum if it had not been for her own resistance, and the help of her friends. The question which that case raised was what protection was given to the public in reference to private asylums. It was urged that by a slight slip on the part of the certifying medical men, there had been a mere technical violation of the law. If the law could be so easily broken, that was a reason for amending it. That might be done by subjecting the proprietors of private asylums to better regulations in common with the managers of public asylums. No good reason had been given for abolishing the private establishments, or why persons of means should not be allowed to pay for the maintenance of their insane relatives in establishments where they could be better treated, and taken care of, than in a common asylum. But every owner of a private institution ought to be restrained from giving a certificate for the detention of a patient in any private asylum; because in the medical profession, as in all others, the axiom was observed, 'One good turn deserves another,' and there was obvious danger of abuse in the exercise of such professional courtesy. With regard to certificates, not only should they be issued independently, but (for the avoidance of undue influence) there ought to be no communication between the two doctors who were to sign the certificates. The certificate should set forth the reasons for the conclusion arrived at that the patient examined was a lunatic; it should also state from whom the information on which the doctors acted was obtained, and whether informants were, or were not, relatives. The certificates of the doctors should invariably be ratified by a magistrate; otherwise it might happen that on the almost irresponsible testimony of two individuals, a person not fit for an asylum might be locked up in one for the rest of his natural life. The bare possibility of such a shocking wrong urgently suggested the necessity of strengthening the law in that respect. In America and several European countries, the certificate of the local probate judge, the *visé* of the mayor, or the ratification of the magistrate of the commune, was needed before any person could be consigned to or detained in an asylum. Dr. Bodington had advocated public examination on two grounds: (1) that it would be a

protection of the liberty of the patient, and (2) as a protection to the public against insane blood getting into circulation. But the balance of advantage seemed decidedly to be in favour of private judicial examination. A lunatic was no criminal; he was in the position of a patient, or sick person afflicted with a malady, and the idea of bringing him before an open court of justice as if he had committed a crime was opposed to all right sentiment, and calculated to be injurious. Publicity would so affect the sensitive nerves of an alleged lunatic that, if any doubt existed when he went into the court, none in all probability would be left when he came out of such an ordeal. It was reasonable to suppose that in many cases the excitement of the occasion would intensify the lunatic tendencies. Nor had he any sympathy with Dr. Bodington's other argument in favour of a public examination; for why should people who had lunatic relatives be forced into a public disclosure of their family afflictions any more than in cases of others concealing diseases or domestic misfortunes? The possible good which might arise to the nation as a whole from such publicity was of an infinitesimal character, and did not outweigh the personal considerations of the relatives. The discharge of recovered patients was only second in importance to the admission of patients. Such discharge depended on the opportunities for close individual observation on the part of the medical superintendents of asylums. A strong argument against large asylums of a thousand patients or so, was that the medical superintendent could not possibly exercise that vigilant attention which each patient required; and the consequence was that many inmates remained in large establishments when they ought properly to be discharged. In over two hundred and fifty reports recently collected (by Dr. G. A. Tucker of New South Wales) from asylums in different parts of the world, there was a remarkable concurrence of opinion on one point, viz., that not more than 200 patients, or 300 at the outside, ought to be in one asylum at the same time, if individual care, treatment, and observation were to be attempted.

Mr. John Crane (Birmingham) believed the abolition of private asylums would give rise to a greater evil than existed at present. It would be wiser to improve them. A case in which he had been interested showed the necessity of a register of the patients confined in asylums, so that their friends might know in what institutions they were detained, and ascertain whether they were fit to be discharged. It was a scandal to any nation that the opinion of two men, with regard to a disease that was not defined in either medical or legal books, should consign any one to a lunatic asylum. The only remedy for this interference with the liberty of the subject was to have a public inquiry, and a trial by jury. Every man and woman ought to be tried by their peers, and no expense should be spared in obtaining justice.

Mr. R. Denny Urlin, Barrister-at-Law (London), said that the absence of a register was certainly a defect in the present system. Probably no Act of Parliament was required to remedy this defect—an order of the Lord Chancellor would be sufficient to establish a complete central

register of lunatics—not open to the public, but open to any one who could give a good reason for inquiring. It was now agreed on all hands that the lunacy laws required amendment. As to the mode of trial, he thought a jury—special or common—of little use. The best tribunal was a superior judge, assisted by experts called in by him for his own assistance, and not selected by the parties. The Admiralty Court was thus constituted, and it was a model of a court fitted for the trial of difficult cases involving technical knowledge.

Mr. H. N. Mozley (Hon. Secretary of the Department) said it was not possible for the Commissioners, being so few in number, to inquire into the case of every lunatic in the country.

Mr. Commissioner Miller, Q.C., in reply, said there was a singular unanimity of opinion manifested in the discussion, viz. that some amendment of the law was necessary; and he believed that if the alterations he proposed were closely examined they would be found essential and sufficient for bringing the lunacy law into a reasonable state, provided only the postulate were in the first instance admitted, which nobody except Mr. Joseph Brown appeared to have controverted, that a man must not be deprived of his liberty on the ground merely of his not having used that liberty well. Mr. Brown had contended that, although a lunatic might be harmless in the sense of not having yet committed any act of violence, you could never tell when his lunacy might produce violence. That might be perfectly true. So also you never could tell when a man, accustomed to the use of intoxicating liquors, might, in a state of drunkenness, commit crime; yet that was not thought a reason for depriving him of his personal liberty; a man who, not having yet broken out into violence, was occasionally found to be thick in his speech. A man might squander his property by speculation, gambling, or by extravagance, with greater evil to others than any harmless lunatic was likely to do. Where a man was incapable of taking care of his affairs, it would be a reasonable amendment of the law that he should, as regarded his property, be put into the position of an infant. He admitted that very often lunatics were better entertained in asylums than they could be in the houses of their friends, but that did not afford any justification for depriving them of the power of going wherever they pleased as long as they harmed no one and did not become chargeable to the public. It was true that Mrs. Weldon's case was one in which the law, as it stood, was broken, and that accident enabled her to succeed; but the trial showed that the law might have been fully complied with, and yet the particular evil apprehended would not thereby have been removed. With regard to the cost of a judicial inquiry, which Mr. Joseph Brown thought would be so great that no such investigation could be made, a perfectly sufficient inquiry was, in point of fact, made at present in nearly every instance of a pauper lunatic. He was not in favour of special tribunals, and he would entrust such inquiries to the magistrates or county court judges. Except that, so long as the jury was retained as the ordinary tribunal for the decision of questions of fact between man and man, it should be available for these questions of lunacy. With reference to the

Select Committee of 1876, the chief object of that investigation was to ascertain whether there did or did not exist extensive abuses of the law. He had not referred to the report of that Committee in his paper because his case was that no such extensive abuses existed; that the fault was in the law itself, and not in its administration. If his proposal were carried into law, he would take over all existing private asylums, putting their managers on adequate salaries so as to do them no injustice. No consideration as to family disclosures ought to weigh with them. It might be too much to require that every family having an insane member should make that misfortune public, whether they liked it or not, but if they asked the assistance of the law to enable them to take care of that member, they should not be afforded such assistance without publicity. The Lunacy Commissioners did their duty as well as under the circumstances they could do, but they had not power to do very much. Whenever a case came before them, there was already a *primâ facie* ground for supposing that the patient was insane; and it was impossible for them to undertake the close and minute investigation needed to test the question whether he was so or not. Except in rare cases of scandalous fraud, no sufficient power to inquire into and determine such cases could be vested in any mere court of appeal. What was required was an effective preliminary examination, conducted by a judicial tribunal, which should have an opportunity of hearing both sides of the matter, and testing the grounds on which the medical certificates rested in the way in which all other opinions of experts were invariably tested.

Mr. Meryon White, in reply, said that although he was, as a general rule, averse to multiplying the responsibilities of the State, still he thought that where the liberty of the subject was concerned, the State should not hesitate to undertake such responsibilities, and he had therefore suggested the appointment of experts. He did not think that it would be advisable to leave the question of an individual's sanity or insanity, and consequent detention, to the discretion of a magistrate, much less to that of the 'great unpaid,' as in many cases the magistrate might be influenced by the gossip of the neighbourhood to sign a warrant for a person's detention in an asylum, whose mode of life and strange ways might be extremely eccentric, and yet not such as *required his detention.* By the appointment of experts the repulsive publicity of judicial investigation, referred to by Mr. Brown and other speakers, would be avoided. In the case of a father of a family becoming insane, such a publicity would be most detrimental to the interests of his sons and daughters in their worldly career. In the case of a dangerous lunatic being at large, an application to an expert would be almost as convenient as that to a magistrate, and if the acts of the lunatic were not sufficiently dangerous to authorise his immediate detention, a magistrate's warrant might, if found more convenient, be allowable for the temporary detention of the supposed lunatic, until the arrival of an expert upon the spot. He entirely concurred with the concluding remarks of Mr. Commissioner Miller's paper, and added that he had not, by the suggestion of the appointment of experts, had the slightest intention of casting any reflection upon the cleverness and honourable character of medical

men as a class, but it was well known that there were black sheep in every profession. He said that he had endeavoured, as far as it lay in his power, by pointing out some of the defects in the existing lunacy laws, and by offering suggestions for their alteration and amelioration, to render it impossible for unprincipled and reckless medical men to avail themselves of the defects of the law to the prejudice of sane persons. On the contrary, it was thought that the alterations suggested would be the means of removing facilities for abuse, and ultimately to the advancement in reputation of the medical profession in the eyes of the public.

MISCELLANEOUS.

In a Paper on 'The Death Duties' Mr. Arthur Leach pointed out the importance which had long been attached to the reform of the Death Duties by Mr. Gladstone and other financial reformers, and urged that it ought not to wait, as suggested by Mr. Childers, till the independent and far more complicated question of local taxation was settled. He proposed to consider the Death Duties as affecting individuals, leaving aside the question of their imposition on corporations, a measure both just and desirable.

The Death Duties consisted of three distinct imposts—Probate, Legacy, and Succession Duty—their common characteristic being that they were imposed upon or in consequence of a death. The first was supposed to be a tax on all personal property passing under a will or intestacy; the second, a tax on unsettled personal property coming to a legatee or one of the next of kin; and the third, a tax on real property and settled personal property, &c. In the incidence of these duties there were many anomalies, which gave rise to great injustice. The chief of these were that some personal property was taxed both for probate and legacy duty, while other personal property escaped one or the other; that real property and settled personalty escaped probate duty altogether, and was taxed at a much lighter rate for succession duty than personalty was for legacy duty.

As between probate and legacy duty, the first injustice arose from the difference in the definition of the area of property subject to those duties. The test for probate duty was, What property of the dead man was situate in this country when he died? The test for legacy duty, Did the dead man die domiciled in this country? was his permanent home here? Often the result of the application of these tests

did not coincide, and by a mere accident of investment or circumstance the whole or part of an estate escaped probate or legacy duty, while most estates were subject to both duties. The remedy for this was to adopt the single test of domicile for both duties. If a man's domicile was in this country, all his personalty should pay duty here; if abroad—that is, if he was practically a foreigner—none of it should pay duty here.

A second anomaly was that, if land was devised on trust for sale, the proceeds of the sale were liable to legacy duty, instead of to the lighter succession duty; but, though really money, was not liable to probate duty, simply for the historical reason that anciently a will of land was not subject to the episcopal jurisdiction, and therefore had not to undergo probate. For the same reason a legacy of money charged on land also escaped probate duty.

A third and great difference between the three duties arose from the difference of rates and the exemptions awarded. Probate duty was levied on a fixed percentage of the value of the property subject to it. Legacy and succession duty varied from one per cent. to ten per cent., according to the relationship borne by the successor to the deceased. As regards money, the same kind of property was subject to one or both classes of rates according as it was settled or unsettled, invested in one security or another. Mr. Dodds proposed to abolish the 'consanguinity rates' altogether, on the ground that they inflicted injustice on illegitimate as compared with legitimate children, and that as every one occupies every relationship, it would be 'as broad as it is long' if all were taxed at the same rate. But both Mr. Gladstone and Mr. Hanson, the Comptroller of Inland Revenue, were in favour of those rates on the ground that children and near relations with a natural expectancy ought not to be taxed as highly as strangers. As to Mr. Dodds' argument, though some people might fill every relationship, it was not true of all, and Mr. Dodds must have been singularly lucky in his personal experience, since, as a matter of fact, very few got any substantial succession or legacies except from immediate relations. Those derived from remote relations or strangers were in the nature of windfalls, and might be reasonably taxed more highly.

Mr. Arthur Leach then proceeded to discuss the really crying grievance arising from the present Death Duties, the exemption of land and settled money from the three per cent. probate duty altogether, and the disproportionate light-

ness of succession as compared with legacy duty. In the year 1883, no less than forty millions' worth of property thus escaped probate duty, at a loss to the Exchequer of just under a million and a quarter. Nor was this the whole loss. Legacy duty was levied on the capital value of the legacy; but succession duty was only levied on the annual value at a rate varying with the age of the person taking it. Examples were cited from a pamphlet by Mr. Dodds to show the amount of difference thus resulting. Thus, the difference in taxation on succession to a certain ducal estate with a million and a half, the heir presumptive to which was sixty-four years of age, and a nephew to the present duke, and on succession to money of the same value, was the difference between 12,800*l.* and 90,000*l.*, or 77,200*l.*, the mere difference between succession and legacy duty being 32,000*l.* Again, a successor to land or settled money was allowed to deduct from it any allowance he might have received, or have been entitled to receive, out of it during his father's lifetime, thus further reducing the proportions of the tax as between landed and settled property and other property. Further, legacy duty and probate duty was payable on the death of anyone through whom another person traced his title to the money, though the person dying had never actually enjoyed it; but in the case of land and settled property, no one pays duty who has not actually possessed it. On property worth 5,000*l.* going through four persons, in an actual case, 800*l.* duty was paid; had the sum been represented by land or settled, the whole duty would have been 46*l.* A further advantage to landlords is that they are allowed to pay in eight half-yearly instalments instead of paying the whole duty at once. Such were the inequalities of the present system. The just and simple remedy would be to consolidate the three duties into one single duty, to be called 'succession duty.' This should be imposed at a percentage, as probate duty is now, but on all property alike belonging to a person dying domiciled in this country. Besides that there should be a further charge, the same as the present consanguinity rates, varying with relationship. But the fixed percentage should be progressive with the amount of property taken by each successor, and not levied on the estate as a whole, and should range from three per cent. on 1,000*l.* to six per cent. on 100,000*l.*, and one per cent. additional on each additional 100,000*l.*; but in each scale the rate should increase only on that portion of the property which should exceed the last limit, so that no injustice could

result as between those just under or over the limits. To facilitate collection of the duties, at the same time saving incidentally a great deal of legal expense and trouble, the proposal sanctioned long ago by Lord Eldon should be adopted, and real as well as personal property should vest in the executor.

The result of this revision of the duties would be a loss to the Exchequer upon the smaller properties of about 100,000*l.* a year. But this would be far more than made up by the increased duties leviable under the progressive scale on the larger personal properties, which might be safely estimated to be not less than a gain, on balance, of 150,000*l.* By rendering land and settled properties liable to the duty now represented by probate duty, property to the extent of 40,000,000*l.* a year would be rendered liable to three per cent duty, or an increase of 1,200,000*l.* But land and settled property seldom passes in parcels of less than 1,000*l.* at a time. Taking, however, the average addition, owing to the progressive scale, at only one per cent., an additional sum of 400,000*l.* would be brought in. On a very low estimate, therefore, the total gain to the country by the proposed reform of the Death Duties would be a million and three quarters a year.

Some people would, no doubt, be more heavily taxed than at present. But they would invariably be the rich, or rather the very rich, who could best afford it. None of the objections which have been made to a progressive income tax would apply to a progressive Death Duty. At all events, the most elementary notions of justice in taxation demand the imposition of a tax equivalent to probate duty on land and settled personalty. To reduce a grievous injustice and add a million or two to the national revenue ought to be sufficient argument for the prompt attention of the Chancellor of the Exchequer to the reform of the Death Duties.

Mr. Francis P. Labilliere contributed a paper on 'Imperial Federation.' The author, being one of the hon. secretaries of the provisional committee for organising the new Federation Society, prefaced his paper by explaining that he did not appear in any representative capacity, but was alone responsible for what he was about to say.

Mr. Labilliere started by referring to the discussion at the Bristol Congress in 1869, on England and her Colonies, which he had helped to open, by reading a paper, and he remarked that the fifteen years which have since elapsed

seem an age in colonial growth. Progress—social, political, commercial, educational, locomotive, telegraphic—has marked the period, and led to a condition of things between England and the Colonies satisfactory beyond all the hopes of those who, in 1869, were firm believers in and decided advocates of the permanent unity of the Empire. What was the position of the Colonial Empire at the time of the Bristol discussion? Briefly this: affairs in New Zealand were the chief source of anxiety, doubts being entertained whether, on the withdrawal of imperial troops, the colonists would be able to hold their own against the Maoris. Emigration, however, from this country soon increased the population of the colony, and speedily and for ever settled that question, and enabled New Zealand to manage her internal affairs without needing further aid from this country. Similar means might perhaps effect a peaceful solution of the difficulties in South Africa. Experience proves that colonies, after requiring during a few years of infantine weakness the support of the mother country, grow not only able to manage their own internal affairs, but to bear a share in maintaining the strength and defensive power of the Empire. The parent would be unnatural and cruel, as well as unwise, in grudging trouble and expense in tending offspring, who were certain to repay with interest the cost of rearing. What may be true of parent and child is more certain to be so of parent state and offspring colony, for death in the former instance must intervene to prevent the benefits of the relationship being perpetual.

Most men of intelligence and observation, like Lord Rosebery, return from visiting any of the leading colonies deeply impressed with the conviction that the unity of the Empire should be permanently maintained. Among the strongest advocates of Imperial Federation are those who know the Colonies longest and best, and have seen most of their early growth—eminent colonial public men like Sir Alex. Galt, Sir Henry Parkes, Mr. Service, Sir Julius Vogel, Sir Thomas McIlwraith, and one of the most experienced of colonial Governors, Sir Hercules Robinson.

Lord Norton differs from these and other weighty authorities; but his ideas of the relations with the Colonies seem to date from a period of official connection with them in Downing Street, when they were in a state of mere infancy. Those who can only conceive of them in that condition will agree with 'Imperial Federation: its Impossibility,' in this month's *Nineteenth Century*.

A representative public man from an important colony recently remarked that Imperial Federation had been brought 'within the range of practical politics.' The speculations of yesterday are the urgent questions of to-day, which will have to be settled to-morrow. Modern colonial growth does not tarry to admit of the slow development, however desirable, of institutions required for the regulation of the internal affairs of the Colonies, or their relation with the mother country. Men still live whose memories stretch beyond the half-century which wants exactly two months of being complete since the Henty brothers landed in Victoria. Mr. Labilliere remembers, when a child, seeing goats grazing in what are some of the leading streets of Melbourne, and distinctly recollects Victoria being formed into a separate Crown colony, and when the question of its having responsible self-government became one of practical politics,—just thirty years ago. No wonder that anyone remembering such things should feel strongly that this question of Imperial organisation is sure rapidly to ripen.

If provincial self-government and federal government be necessary for the United States of America, *a fortiori* they will be so for the future United Empire of Great Britain. At the conference on Imperial Federation on July 29 it was unanimously resolved 'that, in order to secure the permanent unity of the Empire, some form of federation is essential.'

This is the deliberate conclusion of one of the most important gatherings of distinguished colonists and English statesmen, and members of Parliament of all shades of opinion. It is refreshing to breathe the non-party atmosphere of the discussion of this great national policy.

Imperial federation was barely mentioned at the Bristol Congress of 1869, the Colonies not having sufficiently emerged from infancy to admit of its consideration. Federalists are sometimes challenged to go into details, and to produce a constitution. They would not be the practical men they are if they were to do anything of the kind. They would be acting as if they were mere theorists, proposing something which had never been tried by the test of being practically worked, and which could only be explained by being elaborately drawn out on paper. Every well-informed man knows what federal government is. The Rev. J. N. Dalton has placed the constitutions of the existing federal governments of the world side by side, and they furnish abundant models from which the practical political genius of the

British people can readily devise an efficient system of federation when they feel the time has come for its adoption.

There is not the least necessity for the advocates of Imperial federation to invent theoretical constitutions for our Empire, when so many practical federal constitutions are at work in the world. To do so would only be to gratify critics and opponents, by affording them scope for displaying ingenuity in raising difficulties about details, by which attention would be diverted from the great principle of federation to points of minor importance.

It was not thus that the Canadian Federation was formed. Its advocates did not attempt to force down any particular cut-and-dry system; but when the authorised delegates of the provinces desiring federation met together, they soon agreed upon a constitution which has most successfully carried out the policy.

If Imperial federation involved the handing over by the present British Parliament to a new Parliament of the Empire the control of foreign affairs and general defence, such a division of labour would more than compensate the old country for giving the new countries of the Empire a share in the management of Imperial affairs; for then the British Isles would have a Parliament of their own, exclusively devoted to their domestic concerns, to which the present Parliament cannot give the time demanded. The entanglements of domestic and foreign questions would no longer be possible, to the relief of those who may often feel their sympathies divided between the two political parties on these questions. England would gain far more than she would give up by taking the Colonies into partnership in the government of the Empire; for a fair share of representation would be attended by the constitutional obligation to pay Imperial taxes.

To the objection that the Colonies would not submit to taxation, even if they had representation, it is urged that Canada and Australia have repeatedly shown their disposition to help the mother country. The Australian colonies have just taxed themselves for an Imperial purpose, the establishment of British authority in New Guinea, though they are to have no control over the expenditure. Mr. Service, Premier of Victoria, said on the subject in the Assembly of the Colony, that very day three months, June 19, when he carried the House unanimously with him, 'Why should the people of England bear the cost of protecting us? . . . . In the mere infancy of colonies it is right and proper for

England to spread her wings over them and to enable them to grow up without foreign intervention until they are able to protect themselves; but that we, who are placed in a prosperous part of the world—prosperous far beyond our fellow-countrymen in England — should desire for one moment to take money out of their pockets when we can spare it far better out of our own, is a thing, at all events at this day, no Australian will contend for.' There is the right Imperial ring, the true federal spirit, sounded forth by a colonial statesman who has expressed the hope that he may yet sit in this country, in some legislative body which shall represent the whole Empire.

Mr. Labilliere referred to the classification which he had endeavoured to make in his paper, read before the Royal Colonial Institute in 1881, of questions Imperial and provincial, and those which might be treated as either. In the Canadian and other federal constitutions, the questions respectively assigned to central and to provincial control are distinctly laid down. Questions which, on account of the contiguity of the territories in other federations, require to be treated as general, might in our Empire, by reason of the clearer limits assigned by the seas, be left to provincial and inter-provincial control, so that our federation would, less than any other, interfere with complete provincial self-government.

In the Pacific Ocean alone, the great and growing commercial and political interests of this country, Canada, and Australasia are already identical, and also in the Suez Canal and the questions affecting it. That highway from Australia will practically be the only trade route for her into the Mediterranean as the ramifications of her commerce become more extended. Mr. Dalton has shown that, commercially, Canada and Australia are also largely interested in Belgium.

Differences of fiscal policy do not even now interfere with the good relations of the members of the Empire. Victoria, the most protectionist of the Colonies, takes 12*l.* 5*s.* 2*d.* per head of her population of the productions of the United Kingdom. New South Wales adheres to free trade, and so do most of the other colonies. Canada indulges in a mild form of protection. But if the protectionist colonies were to enter an Imperial federation, retaining their present provincial tariffs, that would not prevent them from adding materially to the strength of the union; and they would be more likely, of their own free will, to abandon duties restric-

tive of trade with their fellow-subjects, than if, by separation, these fellow-subjects become foreigners to them. Restrictions more incompatible with national unity than any imposed by colonial tariffs, fettered the commercial relations of the people of this single island not so many years back.

The organised unity of the Empire means in the future lighter taxation, greater efficiency and economy of defence and absolute security for this country, and for the Colonies. Separation—a thing as much treason to our people as to our Sovereign—would entail upon England and the Colonies as great additional expense as the difference between indifferent and costly isolated defence, and perfect but cheap co-operative defence. It would necessitate the establishment of complicated and expensive diplomatic relations; the maintenance by this country of harbours and coaling stations, instead of those with which the Colonies now provide her; and the chances of the occurrence of wars would be greatly increased.

There is one policy, one interest of the many we have in common, which is, above all others, supreme, and that is the maintenance of peace. War, however victoriously we might come out of it, must at best be an enormous evil to the whole British people, both in these Isles and beyond the seas. But it is not to be avoided—rather to be courted—by any national indications that we are prepared to submit to anything rather than enter into it. An unsuccessful maritime war would be destructive to the old country and to the Colonies; it would stop the looms of Lancashire, extinguish the furnaces of Birmingham, and blight colonial growth; it would raise provisions, which are so largely imported into this country, to siege prices. Even, in war successful to us, cruisers would, with ten times the destruction of the 'Alabama' and 'Shenandoah,' sweep our merchant ships from the ocean.

To protect our vast joint maritime and commercial interests, our united defences will, for the most part, require to be naval, for our Colonial Empire is less liable even than the British Isles, to military attack, except Canada; and even Professor Goldwin Smith does not believe in the United States attacking the Dominion.

Our great principle is, that there shall be no further division of the British people. May God forbid it! Our greatest policy is the organisation of our union, for the mutual security, happiness, and peace of all its members, for the attainment by them all, both collectively and

severally, of the highest perfection of which they are capable. That perfection is to be found in organised union—not in their being split into sections, not in disintegration and isolation.

The independence of the Colonies would be for them, as Sir Henry Parkes has so well put it, 'to miss their higher destiny, their rightful share in what may be a more glorious rule than mankind has yet seen.' For England, it would be to lose in the twentieth century the position of a great Power, as Holland has lost it in the nineteenth, or as Professor Seeley states the inevitable conclusion, in six lines, the truth and force of which all his critics have been unable to weaken—'If the United States and Russia hold together for another half-century, they will at the end of that time completely dwarf such old European States as France and Germany, and depress them into a second class. They will do the same for England if at the end of that time England still thinks of herself as simply a European State.'

Attention was drawn by Mr. W. Griffith, Barrister-at-Law, to the large amount of suitors' funds in Chancery which the Government were appropriating because the owners had ceased to claim them. He expressed in his paper satisfaction that members of Parliament were beginning to realise the importance of the matter, and that during the present year more than one voice had pleaded not altogether in vain in the House of Commons for justice to the ignorant and helpless claimants. The total amount of funds in Chancery at the present time was, he said, 77,000,000*l.*, and it was increasing at the rate of 1,000,000*l.* a year. It was supposed by some that the new rules governing the Supreme Court funds would bring about an improvement; but no amount was allowed to be published in the list unless it had been undealt with for fifteen years. He pointed out that six years was the period of limitation fixed by the law as a bar to claims in ordinary transactions, one reason for the selection of that period being that the parties might be supposed to have lost the evidence of their right. Why then, he asked, should the Chancery wait more than double that period, when the probabilities of the loss of evidence were still greater? His opinion was that the list of amounts with which there had been no dealings for five and even two years should be published annually, and that Government would still obtain handsome windfalls.

Mr. J. H. Torr, solicitor, London, read a paper proposing

'The Confirmation and Extension of Local Government by the grants of special commissions prescribed by the Judicature Act, 1873, to the judges of the Local and County Courts and the recorders of City and Borough Courts, constituting the same Commissioners and Commission Courts of the High Court of Justice for the local administration of civil and criminal justice, and the organised arbitration of commercial causes and matters of difference arising in each municipality of England and Wales.' First, he argued that already existing, but as yet unemployed, provisions of the Judicature Act could be utilised for establishing commission courts of the High Court of Justice, and that if commissions of this kind were granted to the judges and registrars of the City courts, and of the metropolitan and county courts of the commercial centres of the kingdom, the block of business in the High Court, especially in the Chancery Division, would speedily be dissolved. Such commission courts would be well calculated for the trial of commercial, shipping, scientific, and technical cases, as well as other causes and matters in which, for the convenience of the parties and witnesses, application should be made to be so heard and determined. At preseut there were none of the local standing commissioners contemplated by the Judicature Act. Next, he proceeded to show how the special commissions under the Judicature Act could be supplemented for providing tribunals of commerce. The operations of such courts would, he considered, tend to induce and secure a good standard of commercial morality in the commercial centre, and the awards should be reported in the commercial and legal press for the information and guidance of the commercial community. By this scheme London and the other commercial centres could have a well-constituted and organised tribunal of commerce, after the *beau ideal* of Lord Penzance, 'consisting of commercial men, with adequate legal assistance;' and also the desire of the president of the London Chamber of Commerce would be realised, that 'the chamber may attain to the dignity of a tribunal of commerce.' This ideal tribunal of commerce was first brought into the region of reality in London during the mayoralty of Sir William McArthur, when three test tribunals were improvised and held in public, *bonâ fide* cases from the City courts and the High Court of Justice being heard and determined by the arbitration of judicial and lay referees. The decisions were favourably noticed by the press, and it was stated in one notice that Mr. Torr had

devised a tribunal of arbitration which was to stand, as it were, in the midst between the law courts and private arbitration for the settlement of commercial questions, and that it supplied a defect in our legal arrangements. His friend, Judge Motteram, whose lamented death had just been announced, some years back wrote him that if he had known of the tribunal which he (Mr. Torr) proposed for the trial of a bankruptcy case involving a question of fraudulent preference, he would certainly have sent the case to that tribunal for a fair and dispassionate trial.

'The Law of Debt' was the title of a paper sent by Mr. W. H. S. Monck. The following is an abstract:—There is a great want of uniformity in the existing law of debt. It is different in England, Ireland, and Scotland, and it also differs in respect to different kinds of debt, and varies with the nature of the debtor's property. This want of uniformity is a serious evil and calls for a remedy.

Imprisonment for debt where no crime has been committed or is contemplated is indefensible. It does not assist the debtor to pay his debts, but the reverse. It is either a punishment for what is not a crime, or an indirect means of reaching his property which the law ought to be powerful enough to reach by direct means.

The right of recovering debts by distress, which landlords and others possess, is highly objectionable. A landlord is not, as a rule, entitled to any preference over other creditors as regards his debt. It would be enough to give him simple means of getting rid of an insolvent tenant, leaving him to recover the debt in the same way that other creditors do so. The right of distraining the goods of a third person is specially objectionable.

The ordinary process of recovering a debt by an action at law is also objectionable. The creditor may be put to expense and delay by sham defences, and, on the other hand, he has facilities for obtaining judgment for more than is really due in the very case in which such judgments are likely to prove injurious to third parties—when the debtor is in difficulties and takes no defence. As a remedy, I propose that pleadings should be on oath, that all circumstances relating to the cause of action should be stated, that judgment should not be marked in an undefended action until the officer of the Court was satisfied (otherwise than by a formal affidavit) as to the amount really due, and that the defendant should be at liberty to plead inability to pay his

debts, and should thereupon be adjudicated bankrupt unless his plea was disputed.

The remedies of the judgment creditor are at present very unsatisfactory. Distinct processes, often of a slow and expensive character, are needed to reach different portions of the debtor's property, such as his goods, his real estate, and the debts due to him. The creditor is moreover left to find out what property he has, the debtor not being bound to make any disclosure. On the other hand, the court does not exercise that supervision over sheriffs' sales (or sales under a distress) which it exercises over other judicial sales, such as those of mortgaged property realised through the court. Hence the debtor's property is often sacrificed, and he is put to unnecessary expense and inconvenience, while ultimately his other creditors suffer. The rule which gives priority to the earliest execution is moreover unjust. The superior vigilance of the creditor, which is urged in defence of the rule, generally means either greater hardness on his part or preference on that of the debtor. The 'greater vigilance' theory, moreover, is not applied to the retention of the rent out of the proceeds of the sale, for this must be retained, even when the landlord has shown great want of vigilance. There is seldom any necessity for resorting to the legal processes subsequent to judgment when the debtor is able to pay his debts in full; and when he is not able to do so, these processes usually injure other creditors to a greater extent than they benefit the judgment creditor. I would propose to abolish these remedies except in special cases, and in these special cases to make them more comprehensive and more effectual. The ordinary remedy of an unsatisfied judgment creditor should be bankruptcy, and all courts having the power of giving judgments or decrees for debt should also have the power of adjudicating the debtor bankrupt.

The great mistake of the law hitherto has consisted in viewing such questions as if the creditor and debtor—the plaintiff and defendant—alone were concerned in them. But this is hardly ever the case. There are almost always other creditors whose interests are involved. This erroneous mode of viewing the matter has extended to the law of bankruptcy also. For example, contracts to pay extravagant rates of interest are often enforced (as regards the interest which accrued due previous to the bankruptcy) to the detriment of other creditors, whose debts, though incurred at the same time, did not carry interest. Nevertheless, the existing

law of bankruptcy is preferable to the other portions of our law of debt. It is desirable, therefore, to extend the remedy by bankruptcy, while limiting the occasions on which other remedies are applied. But when applied they should be rendered more comprehensive and efficient. The court also requires extended powers in its administration of bankrupts' estates, and the proof of debts should always be taken before a judicial officer, whether the estate is realised and distributed by the court or by a creditors' trustee.

Principles ought to be laid down in the amending Acts, and the judges should be directed to make all rules of interpretation subservient to these principles. A rule of interpretation, good in its origin, is often misapplied when it is once recognised as unchangeable. Whenever it is perverted into a vehicle of fraud or inequality, the judges should modify it so as to meet the evil. The leading principles of reform should be the assimilation of the law as regards all divisions of the United Kingdom and all classes of the community, and the exclusion of all preferences, direct or indirect, of one creditor over another, except in very special cases. Preferences by the debtor should never be recognised, whether the motive for them was friendship, self-interest, distress, or fear—which two latter appear at present to be more favoured by courts of justice than the others. If there are to be any preferences, they should be on grounds which the law recognised as meritorious, such, for instance, as wages and taxes. These and some other principles should not be merely attended to in framing the amending Statutes, but should be enunciated in these Statutes as superseding all rules of interpretation which might under any circumstances contravene them. Intelligible principles are far better guides in practice than technical rules. The latter, in fact, derive all their value from the former, and if they are more directly applicable to practice, they are also more liable to perversion.

A valuable paper on 'Local Courts of Justice,'[1] was read by Sir Richard Harington, Bart., Judge of the County Court, Worcester. The writer observed that the importance of bringing justice home to every man's door has been recognised in all civilised countries. In our own, both in Saxon and Mediæval times, there was abundant provision for the administration of local justice. The causes which led to the decay of the courts provided in those times were, in

[1] This paper appears *in extenso* in the *County Courts Chronicle* of Nov. 1, 1884.

part, the decrease in the value of money, in part the difficulty of obtaining advocates in remote places. Reference to this difficulty produced a short digression on the expediency of keeping up the distinction between solicitors and counsel, which the reader of the paper thought should, subject to provisions for making the transfer from one branch to the other more easy, be maintained, and the attendance of the Bar at local courts encouraged, on account of the importance of the interests entrusted to the guardianship of the profession.

The establishment of County Courts in 1846 wrought a revolution in the administration of local justice, and the reader proposed to point out their defects, and consider how they might be made the means, in conjunction with the Assizes, of bringing competent judicial power and advocacy, as nearly as possible, home to every one.

A principal defect of the County Courts was, he considered, the confusion of their duties as a debt-collecting machine and a court for the decision of very trumpery matters with their more important duties. And he went on to show that, in the Courts comprised within a certain district, out of 12,575 causes entered, exclusively of bankruptcy and judgment summonses, only 7,123 went through the form of trial at all, and of these 6,398 were disposed of by the registrars on admission or default; and that of the 725 dealt with by the judge, only 144 were cases which really required the intervention of a lawyer of experience. He pointed out that the disposal of these cases occupied the judge 1,096 hours, of which 380 hours 55 minutes only were occupied in actual sitting in court, the rest being taken up in travelling and waiting. Courts, moreover, were holden at inconvenient places, distant from railway stations and ill-served with trains, and where the expense of procuring the attendance of counsel is ruinous.

For the removal of these inconveniences, the reader suggested that the local courts should be disemburdened of non-contentious business; that the distinction between Superior and Inferior Courts should be abolished, and all civil judges and officers, of whatever rank, made judges and officers of the Supreme Court.

Local masters should be established, who should dispose of all the provincial business now dealt with in the offices of the Supreme Court and the registrars of the County Courts. Defendants in all cases should be obliged to satisfy this officer that they had some real defence and to disclose its nature

before being permitted to take the cause for trial, and the local masters should themselves dispose of all small disputed debts and other trifling matters, leaving only the real litigation to be disposed of by the judges.

Very trumpery actions for wrongs, where the injury was not of a malicious character and a proper subject for punishment as an offence, he suggested, should be abolished altogther, and in cases where the wrong was mischievous it should be treated as an offence.

He estimated that if this were done the number of local judges could be very largely reduced, and the services of the best men secured, and that with rural courts, holden at not too short intervals, an attendance of the Bar, analogous to that at Quarter Sessions, might be relied on; whilst in very large towns he recommended the establishment of a Bar Mess, Bar Committee, or branch Inn of Court for the maintenance of discipline.

Dr. Frances Elizabeth Hoggan read a paper on 'The Position of the Mother in the Family.'[1] Starting from the early history of the world, she briefly reviewed the *maternate*, or state of society preceding in point of development the patriarchal era, and showed that this earlier civilisation had in it the germ of justice towards mothers in their relation to their children—a germ which the masculine systems of legislation now in force in the best known countries have ignored or destroyed. She recognised the patriarchal idea, or 'the evolution of the parental instinct in the males of our species,' as a distinct advance in human development, taken as a whole; but stigmatised the paternal government of the family as one at the root of which, and forming its solid and unyielding foundation, are physical force and masculine domination. Carefully following the gradual unfolding of parenthood in the animal world, and emphasising the natural differences between the two parents, Mrs. Hoggan reached the generalisation that 'the mother is the parent whose duties and rights predominate throughout the whole animal world.' Her study and observation have taught her that, in the animal kingdom, the paternal instinct gathers strength in an orderly sort of way, seldom becoming very strong, but not invading the rights of the mother. In the human race, on the contrary, no sooner does the paternal instinct awake than it becomes aggressive and domineering, the father arrogating to himself the exclusive possession of

[1] This paper has been issued in pamphlet form. Manchester: A. Ireland & Co.

the children, and deposing the mother from her natural position as the centre of the family and the home. In conclusion, it was maintained that of all our imperfect social arrangements none require revision more obviously and more imperatively than those which relate to the position of the mother in the family; and thoughtful men and women were invited to co-operate in calling upon the Legislature to remodel and reform the unnatural, the antiquated, and the inequitable laws which now regulate the relations of English domestic life.

A Paper 'On the Infants Bill'[1] was contributed by Mrs. WOLSTENHOLME ELMY, and in her absence was read by Mr. Elmy. The author assumed the following theses:—(1) That the duties of parents are, though diverse, co-equal, and their fulfilment by both parents essential to the well-being of the child and the social progress of the community; (2) that these co-equal duties involve co-equal rights, and that the function of law in regard to the family should be limited to the declaration and maintenance of these rights, and of their obligations in the best interests of the children themselves and for the protection of the community at large; (3) that deliberate and persistent neglect of parental duties by either parent justly involves the forfeiture of parental rights, whilst such rights lapse of necessity by the death of the parent, or in the case of manifest and irretrievable incapacity for the performance of parental duty; (4) that in the event of vital disagreements between parents, involving an appeal to the law, as to the disposal of their children, the sole determining consideration for the guidance of the courts should be the welfare of the child or children, although the conduct of either or both parents may, and sometimes must be, an element in deciding how best to secure that welfare; (5) that the child, especially when of age to earn, or when actually earning its own living, should have a power of appeal, and a right to protection against the greed or brutality of its parents; (6) that, whatever the law as to parental rights and duties, its obligations should be equally binding upon, and its benefits equally accessible to, all classes of the community; (7) that subject to these considerations it is contrary to natural justice, and to the dictates of the largest expediency, that the State should usurp parental functions or interfere with the due performance of parental duty; (8) that the notion of right of

[1] This paper has been issued in pamphlet form. Manchester: A. Ireland & Co.

property in children, whether vested in parents or in the State, is contrary to reason, justice, and humanity. The paper, in giving a brief history of the Infants Bill, 1884, tested by reference to the above-named principles its merits or demerits, and based upon the analysis a limited series of suggestions for its improvement when again brought before Parliament in the coming session.

REPRESSION OF CRIME.

Address

BY

JOHN STRATFORD DUGDALE, Q.C.,

RECORDER OF BIRMINGHAM, CHAIRMAN OF THE SECTION.

WHEN I was requested, by the Council of this Association, to act as Chairman of the Repression of Crime Section at the present meeting, it was not without a good deal of consideration, and with some reluctance and very considerable misgivings, that I determined to undertake the duty. I have never before attended a meeting of this, or any kindred association; I have not been accustomed to deliver addresses, whether written or verbal, on social subjects, such as are, and will, for the next few days, be under discussion, before distinguished, learned, and critical audiences; I do not profess to be socially scientific; but as twenty-two years of my life have been passed, I hope not altogether blindly, in the active practice of a profession, which has afforded me many opportunities of observing the course of criminal justice in this country, and as I have had a somewhat large and varied judicial experience in such matters, for nearly seven years as Recorder of this town, I thought it would be wrong to hold aloof, and therefore I must ask your kind indulgence to supplement my imperfections, and to bear with me for a short time, whilst I make a few general remarks, and perhaps add one or two suggestions, which occur to me as useful or important for public consideration. I am rather inclined to find fault with our very name; we are the 'Repression of Crime Section,' and I lay stress on the word 'Repression'; it seems to signify the crushing out of crime by force or restraint, the detection and apprehension, the trial, the

retributive punishment, the prison discipline; in fact, it points to the active measures taken by society to deal with those who have offended against the law, rather to the exclusion of those methods which may tend towards the reformation of the criminal, and of those means which may be adopted for the prevention of crime. But prevention, as well as repression, is expressly mentioned in the description of the 'objects of the association' given in the preliminary programme of this meeting, and therefore, if I might be allowed to suggest a change, I would say, make a slight addition to the title of this section, and call it the 'Prevention and Repression of Crime Section.'

I propose to deal, in the first instance, with the subject of the Repression of Crime in its more limited sense. In considering Repression, the detection of crime is naturally the first subject which claims our attention; the risk of detection is one of the great safeguards of society, and many a man is deterred from taking the first step in crime, by the fear of being found out. The organisation of a detective police force has become a necessity in every large centre of population, and too much care cannot be taken by those in authority, in the selection of the officers composing that force. They must be thoroughly intelligent and trustworthy, quick-witted, good-tempered, and scrupulously honest. Sobriety is very essential, or their secrets would soon be extracted from them, and they must be men of judgment and perception, and thoroughly reliable, or their information would often turn out to be of little or no value. Then, again, they will have occasion, in the course of their duties, to come in contact a good deal with the criminal classes, and a sort of public opinion will be formed amongst them, respecting each detective. Depend upon it, that the best men, the men who do their duty honestly and straightforwardly, but still without fear or favour, will obtain the respect even of the breakers of the law, and will be much more valuable in their vocation, than officers who may be tempted to obtain information by unfair artifices, or by laying traps for offenders, a course which is repugnant to the English character.

I do not wish, by these remarks, to discourage for one moment the exercise of cleverness and ingenuity in the detection of crime; a witless detective would be a poor and useless creature, but there is all the difference in the world between mere trickiness, which is always shallow and seldom succeeds, and the clever ingenuity which is recognised as fair, and I may say appreciated, even by the classes against whom it is directed.

Another very important qualification in a detective is the power of keeping his own counsel, and this not only while his investigations are going on, but also after they have terminated, except, of course, so far as the results may have to be disclosed in evidence before a court of justice. It is a great temptation to a vain man, to let out some little piece of information as to what is going on, with a view of glorifying himself, through the medium of a paragraph in the newspapers; such little paragraphs are often the means of conveying sufficient information to the suspected party, to completely frustrate the ends of justice.

And here I may say that an excellent example of detective repression is to be found in the recent operations of the police of this town, in connection with the dynamite and Fenian conspiracies. The facts are so recent in our memories, that it is not necessary to dwell upon them in detail, but everyone remembers the skill, the ingenuity, the patience, which were exhibited by the officers concerned on both occasions. The evidence given at the trials disclosed many of the shifts and contrivances which were adopted in the course of, what I may call, a long and protracted campaign, but I will venture to say that, notwithstanding strong personal temptations, and the assaults of a perfect army of sensational newspaper reporters, not one-tenth of what occurred has, or ever will, reach the public ear. I am glad to have this public opportunity of expressing my opinion of the great public services which Mr. Farndale, the chief constable of this town, and the officers acting under and in conjunction with him, rendered on the occasions in question; perseverance, ingenuity, tact, and patience marked their proceedings at every step.

With these few remarks I take leave of the detective police, concerning whom a great deal of valuable information will be found in the able address delivered at Huddersfield last year, before the Association, by Mr. Howard Vincent, who was then Director of the Criminal Investigation Department, and who dealt very fully with the subject; but I have one more word to add with regard to the detection of crime.

The public in general, and manufacturers and tradesmen in particular, can very much increase the risks of being found out, and so assist powerfully in deterring others from crime, if they will in business matters be strict and precise, and avoid dealing in any way with a slack hand. I am now thinking more particularly of the crime of embezzlement, which I am afraid is not on the decrease, and which is more

frequently committed by persons of education. It is astonishing to find how often opportunities are needlessly placed in the way of clerks and servants, and how frequently unbusinesslike methods—insufficient auditing of accounts, or perhaps no audit at all—enables them almost to use their employers' money as if it were their own. The usual commencement of embezzlement is, that the clerk finds that he is in temporary want of a small sum of money, and that he can take it from the cash, without much chance of being found out at once; he probably repays this, but soon begins again, and then does not repay, but manipulates the books, according as he may have opportunity, and this goes on sometimes for years before it is found out, particularly in cases where great confidence is placed in him, and precautions are relaxed accordingly. Several instances of this occur to my mind at the present moment, some of them cases in which a style of living was openly indulged in, utterly inconsistent with their position in life.

I have always thought that such cases would often be avoided were business matters treated with more universal strictness, as matters of business, and that one of the not least important of the duties of society, particularly with regard to the repression of crime, is to take care, so far as may be, to prevent those dependent upon us from having opportunities of falling into temptation.

The trial of the offender must next be referred to. Nothing can be of greater importance to the repression of crime. A trial should be conducted with the most scrupulous fairness, and I think that we, in this country, may at any rate congratulate ourselves on this point, whatever may be the tribunal before which the person accused is arraigned. It will probably be a surprise to most people to learn that, of the cases sent for trial before juries, something like 25 per cent. end in an acquittal, a small proportion of which are due to the grand jury finding no true bill. This large percentage of acquittals is due to a great variety of causes, and must by no means be taken to prove that the acquitted persons are really innocent of the charge, but it shows, beyond all doubt, what extreme care is taken to insure that no person shall be found guilty, unless the charge is conclusively proved against him. As a rule, the more intelligent the juries, the smaller is the percentage of acquittals, and in Birmingham the average is very seldom attained. I have examined the statistics of cases tried at our Quarter Sessions, since I first became Recorder in January 1878,

down to the end of last year, and I find that the calendars contained the names of 1,968 persons in those six years, of whom 236 were acquitted, and the grand jury found no true bill in 24 cases; this makes a total of 260 acquitted out of 1,968, or about 13½ per cent. The largest proportion of acquittals occurred in the year 1879, when, out of 356 prisoners tried, sixty-three were acquitted, and in one case there was no true bill, showing an average of about 19 per cent. of acquittals. The largest proportion at any one sessions was in October 1883, when out of seventy-seven prisoners seventeen were acquitted, and in three cases the bills were thrown out, bringing up the average of acquittals on this occasion to rather over 25 per cent. On the other hand, in 1882, out of 342 prisoners only thirty-one were acquitted, or less than 10 per cent., and of these in six cases the grand jury found no true bill.

No doubt when persons accused are allowed by law, as I suppose will soon be the case, to give evidence on oath on their own behalf, the above statistics will show some, and perhaps a considerable, alteration; but I do not think that it will be in favour of prisoners generally, and I shall expect to see the 25 per cent. of acquittals very considerably reduced. In one point of view this would be beneficial to the community, for it is to the public interest that the guilty should not escape punishment, but on the other hand, I think that there would be more risk than at present of persons being wrongly convicted, and in this I include being convicted without sufficient proof, and perhaps sometimes even on mere suspicion. It would be a powerful argument with a jury, that a prisoner declined to give evidence on his own behalf, and unless they were very carefully directed by the judge, they would be apt to give much more weight to such a circumstance than it really deserved. Again, in the case of a nervous man, perhaps the victim of some perjurious conspiracy, and charged for the first time with an offence of which he is innocent, he would stand at a double disadvantage; if he gave evidence, his nerves might break down under severe cross-examination, and if he were not to give evidence, it might be taken as an admission of the truth of the charges brought against him. Then there would often be the case of a man, who had been, perhaps, frequently convicted before of offences, having nothing whatever to do with the charge upon which he was being tried; how is he to be treated in the witness-box, by the counsel for the prosecution? If he is cross-examined as to all his antecedents, the jury would be almost certain to disbelieve

him, although he might be telling the truth on the occasion in question; but on the other hand, if he is to be privileged beyond other witnesses, and is not to be cross-examined as to his previous character and convictions, in order to test his credibility, as he would be, if he were a witness for the prosecution, then a most dangerous state of affairs would be established, and he would either have to be presented to the jury as a man against whose character nothing appeared, whereas he had, in reality, been convicted over and over again, or, the counsel for the prosecution must be at liberty, in all cases, to tell the jury that the law prevented him from cross-examining as to the prisoner's character, which, in many cases, would act most unfairly against a prisoner, against whom nothing might be known.

One example is sufficient:—

Suppose a charge of burglary, and that the prisoner giving evidence had been convicted of perjury; what could be more monstrous than that the jury, who would have to judge of the relative credibility of his evidence, as against that for the prosecution, should not be allowed to know this fact, the fact of all others, which would and ought to have most weight with them, in judging whether they would believe him or not? And yet, in the Bill which was before Parliament last Session, the Grand Committee of the House of Commons on Law actually (but, I believe, only by a small majority) decided that a prisoner giving evidence should not be subjected to a general cross-examination as to his character, such as he would have had to endure had he been a witness for the prosecution.

No doubt, as I have pointed out, there are difficulties on both sides of the question, but the true course must surely be, if the prisoner is to give evidence on oath, to treat him in exactly the same manner as any other witness, leaving it to the judge to warn and direct the jury, as strongly as may be necessary in each case, not to be led away by prejudice, and not to give more weight to the facts elicited, in respect of the prisoner's previous career, than is properly relevant to the matter on hand.

There is another matter, in connection with the trial of criminal cases, which has been the subject of a good deal of discussion. I refer to the question of Appeal: and this is mixed up to a considerable extent, in the public mind, with the question of the exercise of the royal prerogative of pardon, through the medium of the Home Secretary. In fact, the question seems to have taken its rise in its having

become necessary, once or twice in late years, for the Home Secretary to advise her Majesty to pardon persons who had been convicted by juries; and thereupon it was suggested, that there ought to be the same rights of appeal in criminal as in civil cases. This view, or at any rate a considerable extension of the right of appeal, would probably tend to relieve the Home Office, should that be a desirable object. For there is no more anxious and irksome portion of the Home Secretary's duties, than to deal with the applications, which are not infrequently made, for the release or the shortening of the sentences passed on prisoners. In most capital cases, some one, perhaps a friend of the condemned person, or perhaps a crotcheteer, gets up a petition for a commutation of the sentence, and in all such cases, whether this be so or not, the judge who tries the case makes a report to the Home Secretary, who sees the judge's notes of the evidence, and makes full inquiry into the case before the sentence is carried out. In convictions for other crimes, if there be any vestige of a chance of obtaining even a partial remission of sentence, there is every probability of a petition being presented to the Home Secretary, by the prisoner or his friends, and all such petitions receive the most careful inquiry and consideration; but as far as my experience extends, there is very seldom any real ground for presenting the petition at all. At the same time, it would be most inexpedient to abolish the prerogative of pardon, and it would be injudicious in the last degree to transfer the duty of advising the Crown thereupon, from a responsible Cabinet Minister to a judicial tribunal. Many elements often enter into the question of an absolute, or qualified pardon, which can hardly be recognised or applied by a court of law, and it would hardly be possible, or even tolerable, to forbid an application being made for the clemency of the Crown, even after the case had been disposed of adversely to the prisoner, by a Criminal Court of Appeal. But if a right of appeal in criminal as wide as that in civil cases be granted, the country must prepare itself for a large increase in the number of judges. Dealing only with indictable offences, it would always be worth while for every prisoner under a long sentence to try his luck in an appeal; he would have everything to gain, and nothing to lose; he would be under no necessity to employ counsel, for if he did not choose to argue his case in person, he might rest assured that the court would make itself thoroughly acquainted with the evidence and facts, and would do him right, according to the genius of English justice. Such appeals would be

generally on the ground that the verdict was against the weight of evidence, and I feel convinced that they would be numbered by hundreds, and would require at least two courts of three judges each to deal with them. If the court were to have power to alter sentences, there would be a still greater number of appeals, but more relief would be given to the Home Office.

It is often forgotten, that, in order completely to assimilate the criminal to the civil procedure by way of appeal, it would be necessary to give the Crown the same rights as would be given to the prisoner, and this would involve the possibility, and often the probability, of a new trial, when there has been a verdict of acquittal; indeed it may be safely said that wrong acquittals are much more common than wrong convictions. But are we prepared for so great a change in our criminal law? Is it prudent, or expedient, to allow a man, who has once been acquitted, to be tried again on the same charge? I think not; and if this be so, it becomes at once impossible to treat criminal and civil cases alike, and, failing logic, we must return to expediency.

What then should be done? If any change be really necessary, I venture to suggest that a verdict of Not Guilty should never be disturbed, neither should a verdict of Guilty, when there has been no substantial misdirection on the part of the judge, and no material fresh evidence has been discovered since the trial. A new trial should be granted when substantial fresh evidence has been discovered, since the trial, too late to be brought before the jury, and which is material to the case on behalf of the prisoner; and a new trial should be granted, or the conviction quashed, in the discretion of the court, when there has been substantial misdirection by the judge; this latter suggestion would involve the presence of an official shorthand writer, to take a note of the summing up, so as to avoid all misapprehension as to what really was said to the jury.

I now proceed to say a few words on the question of punishments, and most of us will agree that nothing conduces more to the repression of crime than the proper and judicious infliction of punishments. A rigid uniformity of punishment is impossible, and indeed undesirable; each case must be judged by its own peculiar circumstances; and much will depend on the nature of the offence, on the circumstances under which it was committed, on the previous character of the prisoner, and on whether local or other considerations render it necessary to pass such a sentence as

shall act as a deterrent to others, as well as a punishment to the criminal. It is often necessary to draw distinctions between the cases of men and women, and almost always between the young and older persons; indeed one of the subjects which will be discussed in this room seems to be addressed to an entire exclusion of juvenile offenders from our ordinary prisons.

Our law, most judiciously in my humble judgment, gives a very wide discretion in the infliction of punishment, and those who complain of inequality of sentences, one way or the other, ought, before they do so, to obtain an accurate knowledge of all the facts surrounding each case, which, in almost every instance, would save them the trouble of complaining at all. But I must not by this be understood to object to criticism on such a subject; on the contrary, I think it extremely valuable, in checking, on the one hand, extreme severity, and on the other, undue leniency. Judges and magistrates are but human after all, the natural dispositions of all men vary at different times, and it must be the experience of every one, who has had any considerable knowledge of courts of justice, that the same person appears to be more severe, or more lenient, at some times than at others, and there can be no doubt that publicity, and the liability to criticism, have a very wholesome effect in correcting such a tendency.

The object of punishment is to correct, and if possible reform, the offender, and to deter him from offending again, and others from following his example; and to this end are the fines, the imprisonment, the penal servitude, and the police supervision, which are the principal methods in use in this country.

So many offences are now dealt with summarily (and it is remarkable how few are the appeals), that the Courts of Record deal principally with persons who have been previously convicted, most of whom come under the category of habitual criminals. I think I may say, that somewhere about three-fourths of the prisoners tried at the Birmingham Quarter Sessions have been previously convicted, and probably much the same proportion obtains elsewhere. It was for the benefit of these persons, and also of society, that police supervision was invented a few years ago, and considerable use has been made of it in this town; the person under supervision has to report himself at some police station at stated intervals, and if he is found committing offences or associating with thieves, he may be taken before the

magistrates and sent to prison for any term not exceeding twelve months. The effect of this is that, during the continuance of the supervision, at any rate, the man is under strong inducements to gain his living by honest means, and is very frequently altogether weaned from a life of crime. There are many cases in which sentences of penal servitude can be avoided, by imposing police supervision, in addition to a term of imprisonment, and it is in my opinion principally owing to this fact, that a considerable decrease has taken place, of late years, in the number of persons sentenced to terms of penal servitude.

There is no more difficult task than to deal satisfactorily, in the way of sentences, with persons who have been found guilty of stealing some trifling article, but who have been convicted over and over again, and perhaps have been sent more than once to penal servitude. It is in cases of this kind that police supervision, coupled with a reasonable term of imprisonment, is often the means of saving the judge from the necessity of passing a sentence of penal servitude. There is in most minds, in my own amongst others, the very strongest disinclination to pass long and serious sentences for small offences, even although the offender may be said to be an habitual criminal. I cannot help thinking that no one is altogether hopelessly bad, that some good points exist, even amongst persons of apparently the most abandoned character, and that at any rate, in cases of minor importance, and particularly in those where no violence has been exhibited, a short sentence of imprisonment, coupled with a long term of supervision, may give an opportunity of reformation, which under other circumstances would be impossible. At the same time, I cannot say that this experiment, which I have tried in several instances at Birmingham, has been altogether as successful as could have been desired. The relapses into crime have been more in number than the cases of reform, but still there have been cases of reform, which could not otherwise have been effected. Where violence has accompanied other crimes, an addition to the sentence should always be made, and the offender and the public should be given to understand, at the time the sentence is passed in court, the reasons for such additional severity.

The time of his release from prison, after serving out his sentence, is generally a critical period in the life of every convicted person; he either soon gets back to his old associates and habits, or he begins at once to turn over a new leaf. Fear of detection, the memories of a disagreeable

imprisonment, the exigencies of a ticket-of-leave or of police supervision, all have their effect on his conduct and proceedings; but unless he can earn his living by some honest means, the chances are all in favour of a relapse into crime. It is here that private associations and private benevolence must step in, and by a variety of judicious means, such as emigration, the finding of employment, or other modes of assisting a man to help himself, they do what is possible to reform and to reclaim. And here let me say a word on behalf of the Discharged Prisoners' Aid Societies, which are now almost universally established throughout the country, and are not so well known as they ought to be. No one can exaggerate their importance, few are aware of the immense amount of good which they do; it is hardly too much to say that, so far as their limited means will allow, they can and do afford most valuable assistance to those who choose, on leaving prison, to try and regain their characters, by leading an honest life. A sum of money is annually voted by Parliament for distribution amongst these societies, and this is supplemented by what, I am afraid, must be termed a very insufficient amount of private subscriptions. Discharged prisoners are assisted by these societies with a small sum of money, so that they may not be penniless on leaving prison; they are assisted to buy tools for work in their trades, to obtain employment, to move away from their old associates, to emigrate, in fact in more ways than it is possible now to enumerate. Let me therefore urge upon all who take an interest in the prevention and repression of crime, to support the Discharged Prisoners' Aid Society of their respective counties or towns, and to induce their neighbours to do the same. This Congress will indeed not be barren of success, if one of its results should be to afford to such societies the increased support to which they are so worthily entitled. They are most potent agencies for good, and are admirably and conscientiously administered.

Time passes, and I am reminded that I have hitherto been principally dealing with the repression of crime, with the detection, trial and punishment of the convicted criminal, and with some of the means calculated to prevent his relapse. But is not the prevention of crime of at least equal importance to the country? Are not the means to be adopted for dealing with the causes and occasions of crime, for checking its increase, for diminishing the number of victims who fall into its snares, objects worthy of the very highest statesmanship? I suppose no one would say otherwise;

least of all here in Birmingham, which might almost be called the home of this association, where its first meeting was held twenty-seven years ago, under the presidency of the late Lord Brougham; whose first Recorder, that great philanthropist, that eminent and far-sighted man, the late Mr. Matthew Davenport Hill, by his eloquent charges and public speeches led the way, in conjunction with others of this town, and of the neighbouring counties, to the establishment of the reformatory system, and of other kindred institutions, which have resulted in untold benefit to the community. Whatever may be done towards the repression of crime, its prevention is of tenfold more importance, not merely for the selfish reason that our persons and property are thereby rendered more secure, but because the increased absence of crime, in whatever proportion, is to that extent an index of the absence of vice, and of the material and moral prosperity of the country.

It is needless in these days, and in this town, for me to dwell upon the advantages of reformatories in dealing with children convicted of crime; a small weekly payment is required from the town or county, in respect of each child sent. It is an optional payment, but is necessary to enable the reformatories to cover their expenses, and the ratepayers may undoubtedly congratulate themselves on the return which they receive for such an investment of their money. Not very long ago this was put to the test here, for the town council, who must for a short period have been suffering from a slight temporary aberration of intellect, declined to pay these small weekly sums, and in consequence several boys who had been sentenced to a short period of imprisonment, and to four or five years' detention in a reformatory, had to be released at the end of their term of imprisonment, because no reformatory could be found to take them for nothing. They soon recommenced their depredations on the public, and reappeared before the court to be convicted again, having probably stolen, during their period of liberation, considerably more than would have sufficed for the weekly payments, during the whole term of their detention, in addition to which they were becoming more hardened in crime. I am glad to say that the town council soon became convalescent, and there is now no difficulty whatever on the subject.

Saltley Reformatory still maintains its high character and great usefulness, and no doubt will be open to inspection by the members of the Congress, and I may add that

the Warwickshire County Reformatory, which I inspected not very long ago, and which owes a great deal to the constant personal supervision of Lord Leigh, is also in a high state of efficiency, and the boys all appear to be happy and contented.

The Corporation of Birmingham also maintain an industrial school. It was established in 1868 for the reception of forty boys; it has since been added to from time to time, and now the council have 105 acres of freehold land, which is worked by the boys as a farm, and there is building accommodation for 150 boys. The actual number at present at the school is 134 boys. The current expenditure is defrayed by means of the Government allowance per head for maintenance, the receipts from School Boards, and from other places whose boys are received in the school, and the sale of farm produce, the balance being provided by the council out of the borough fund. The average cost of maintenance per head in 1883 was £15 13*s.* 2*d.*, which is less than the average cost per head for inmates of industrial schools throughout the kingdom, and the report of Colonel Inglis, Her Majesty's Inspector of Reformatories and Industrial Schools for the same year, is most satisfactory in every respect. The first discharge from the school was in January 1871, and since that time 157 boys have left the school, of whom 123 are known to be doing well, many of them very well.

There are also two industrial schools in Birmingham, not connected with the town council, which are doing an immensity of good, and more than 100 are now certified by the Secretary of State under the Act. They take in children apparently under fourteen years of age, who have not been convicted of felony, but who are found wandering, or not having any home or settled place of abode, or any proper guardianship, or visible means of subsistence—in fact, the very class who would be likely to turn into thieves and criminals.

But after all, reformatories and industrial schools, and all the efforts of benevolent persons to deal with individual cases, are but palliatives, and can be no more than local and partial in their effects; they stand out as warning beacons on the border-land of crime, they save many who have but just grounded on the rocks, or who, perhaps, wandering and friendless in the world, are rapidly drifting to destruction. But for the prevention of crime much more than this must be done; its principal causes should be sought out and attacked, the temptations which lead to it should as far as

possible be removed, and above all, the cultivation of a high standard of morality should be the aim and object of all classes of the community. How can we otherwise keep in check the vices and follies of mankind, which are the source of so much misery and crime? How can we, by mere repressive punishments, deal with the insane desire for a rapid accumulation of riches, which is so pernicious a characteristic of the present day? Fraudulent bankruptcies, embezzlements, cheating, betrayals of trust to enormous amounts, which have so seriously increased of late years, are all mainly traceable to an impatience of the old-fashioned honest methods of frugal saving, and to attempts to make money too quickly, 'Si possis, recte, si non, quocunque modo'; and I cannot but think that much of the gambling in stocks, and a great deal of the manufacture and floating of unsuccessful joint-stock companies, takes place under circumstances not far removed from dishonesty.

Drink is undoubtedly another prolific source of crime; but unfortunately persons cannot be kept sober by Act of Parliament. There are probably in most places more public-houses than are required for the wants of the population; this is owing in a great measure to the number of beer-houses, to which licences were granted, in former years, by the Excise Department independent of the justices, and which, by legislation, are now placed in a position of rather greater independence than the old public-houses. Their number is gradually diminishing, and new licences are not granted unless a very strong case is made out; but the difficult question of how to materially diminish their numbers, without doing injustice, seems to be as far from solution as ever.

That density of population is coincident with the prevalence of crime is proved by statistics. Poverty and distress are of necessity more common, and there are many more opportunities of escaping detection, amongst a numerous town population, than in less populated rural districts, where everybody is more or less known to his neighbours. The census reveals a state of facts which causes many people to think that we are already beginning to suffer from over-population, and this, in every rank and condition of life. The experience of everyone must be that candidates for all kinds of employment are far in excess of the demand, that all the professions are enormously overcrowded, and that a systematic and organised emigration is fast becoming, if it has not already become, a necessity. I confess I am surprised that

the subject has received comparatively so little public attention of late years, particularly with regard to our Australian Colonies, and I cannot help thinking that it would be well worth the while of capitalists to divert a little of their time and attention to the selection of sites and the establishment of communities, similar in organisation to the Canterbury settlement, which was established in New Zealand some thirty years ago, with its now flourishing town and neighbourhood of Christ Church, and harbour of Port Lyttelton. In such a vast expanse of territory there must be sites without number which could be judiciously selected, and there would be an abundant supply of emigrants, if they received the support and approbation of the Home and Colonial Governments. England should not neglect her Colonies; they are loyal safety-valves, for the increasing and industrious population of these islands; they are able and anxious to receive all whom we can spare, they have vast expanses of territory and suitable varieties of climate, and, as the emigrants of the past, and of our own time, have there built up large and flourishing communities, trading most extensively with the mother country, to the common benefit of those who have left our shores, and of those who remain, surely wisdom and prudence alike prescribe, in the interests of all, that no stone should be left unturned to develop and assist so valuable a transfer of population, and to repeat, over and over again, the successful experiences of the past. We cannot altogether close our eyes to the present depressed condition of the manufacturing industries of this country; a great deal of misery and crime is caused by distress and poverty, not only due to over-population, but also to a dearth of industrial and other employment. I have touched upon the former subject; the latter, although a potent factor in the statistics of crime, is more within the province of the section of Economy and Trade to discuss, but the masses of this country are producers as well as consumers, and if trade is in such a state as to affect their individual employment, distress will supervene, and crime will follow. To take measures in time for the prevention of such evils and misfortunes is the province of statesmen, not blindly guided by the dogmas of the past, but taking a wide and far-seeing view of the altered and altering circumstances of the day; and who can say how soon such statesmanship may not be required?

We should, however, be taking a very narrow view of the steps likely to lead to the prevention of crime were we merely to confine our attention to dealing as best we may

with the subjects to which I have alluded. So far back as July 1839, in his first charge to the grand jury of this town, and many times afterwards, Mr. Matthew Davenport Hill called public attention to the importance of education, in the large and true meaning of the word; that is to say, the diffusion of knowledge, and the formation of virtuous habits by moral and religious training. I will quote one beautiful passage from a speech which he made in April 1855, at a meeting called by the High Sheriff of Warwickshire, for the establishment of a County Reformatory School, which admirably describes the object and purpose of what he termed in 1850 'a rightly conducted education, going to the root of the disease.' In dealing with the frequent appearance of lads at the Warwickshire Quarter Sessions, when he practised at the Bar there, he said: 'Let us take a single case. An urchin, with or without a little schooling, but certainly without religious or moral training, is wandering about the streets of Birmingham. Some article attracts his eye, which a shopkeeper has placed outside his door to attract the attention of customers. He carries it off, escapes detection, and repeats his offence, until he is caught at last. Perhaps he knows that he has been doing wrong; perhaps, on the contrary, the applause of bad companions and wicked parents who share his plunder impress him with the belief that he is doing right, worthily filling his appointed place in society. Again, in the benighted state of his moral perceptions, it may be that he is uncertain as to whether he is doing right or wrong. The goods were in the street, he took them up; and who had taught him to know where finding ends and stealing begins? What instruction did he ever receive as to the limits which divide *trover* from *larceny*? Or, sir—what is more to the purpose—who had cultivated in his soul those fine and noble instincts which, without giving him time to reason upon what he was about, would have checked him by the unhesitating conviction that he was falling into crime?'

What an eloquent and splendid passage; worthy of being engraven on the minds of all men! How is it possible, without religious and moral training, to cultivate in the soul those fine and noble instincts which alone can be relied upon to enable us to make a firm stand against the tempter? How otherwise can we instil into the minds of children the difference between right and wrong, and fortify them against those temptations which they will never cease to encounter throughout the journey of life?

I cannot too strongly urge the paramount importance of this true and complete education, as a factor in the prevention of crime; it should commence from youth, and be a daily work, and it is most required in those cases where there is little or no parental supervision, and little or no opportunity of home training. It is a sad thing to reflect that there are cases, throughout England, where School Boards afford little or no moral or religious teaching, dealing as they do with the class of children, amongst others, who are most in want of it, and who, if uncared for, would undoubtedly recruit the ranks of crime. A very heavy responsibility rests upon their shoulders, for although it was at one time supposed by some, that even a mere literary education would have the effect of diminishing crime, this is now more than doubtful, and the commissioners of prisons tell us in their report that experience has shown that its effect in reducing crime does not correspond to the hopes entertained in past years. They further state their opinion with regard to persons in prison, that 'the moral education and training of prisoners, by enforcing industry, subordination, self-control, regularity, cleanliness, &c., with religious teaching and admonition, will be proved to be the most potent reformatory influence that can be applied.' With this I cordially concur, and every word of it will apply to prevention equally with reformation.

I am unwilling, any longer, to trespass upon your time; I am afraid that my remarks have been rather more crude and discursive than could have been desired; but as I commenced by asking your indulgence, so I will now end by soliciting your pardon for the rather long address which I have inflicted upon you.

PRISON LABOUR.

Can our Prisons be rendered, in a considerable degree, self-supporting, and, if so, by what means, without a sacrifice of their discipline and deterrent effect? By GEORGE JACOB HOLYOAKE.

IT is not discoverable why the Committee of this Section should have done me the honour of requesting me to read a paper upon this subject, unless the fact of my having been imprisoned myself was supposed by them to be a qualification for the task. If so, it is the only pleasant distinction my imprisonment has ever conferred upon me. It seems, and is, a scandal of administration in a practical people like the English, that criminals should be unproductive. To maintain a body of persons who are under absolute control—who have no claim to tenderness; who have come, by their own acts, under the despotism of detention—and not make them contribute to their own support, is idiocy of management. It is all owing to the fathomless incapacity of shopkeepers and trades-unionists to comprehend their own interests.

The tradesman foolishly fears that he will be undersold by the products of gaols, and so he pays extra taxes to further support in idleness the thief who has already robbed him. If the thieves remain honest and work, the produce of their hands would much more stock the market and tend to undersell the tradesman. The tradesman therefore gains by prison labour, and he escapes so far needless taxation. Besides, prison produce need be sold only at market prices, as workmen's Co-operative Stores sell their commodities, which tends to raise the prices of shopkeepers' goods. Governors of prisons will never equal trained employers in business success. But what people forget is that the State is not required to make a fortune, but to avoid a loss.

The trades-unionist in his turn argues that if scoundrels work they will reduce the demand for honest labour. But if the scoundrels were upright men it is obvious that they would all be in the labour-market, competing still more sharply with workmen for places. Upon this Unionist theory honest workmen should be urged to join the criminal class, in order

to raise wages by their absence from the workshop. In the meantime, if prisoners are unproductive, workmen have jointly to keep the useless knaves out of their earnings. This is the insanity of workshop logic.

Yet both shopkeepers and trades-unionists know that the right to competition is inalienable—that men, not co-operators, must compete, or die, or rob, or be kept by those who will not permit them to work profitably. The work of all the prisoners in all the gaols of the kingdom would not displace as much labour as the invention of a single new machine, superseding a process of manufacture in a shoemaker's shop or a spinning mill. The Patent Office is a greater danger to merchants and mechanics every day than all the gaols in the country could be in a century, the Patent Office being provided to encourage and register competitive inventions. These arguments are now recognised in the United States by all except tradesmen and unionists. Yet these are the people who, both in England and America, prevent any serious attempt to make prisoners contribute to their own support. Is it conceivable that in a country where we make horses and even asses earn more than their living—where we need Acts of Parliament to prevent women (whom we pretend to protect) from being made to work in mines; where we require Factory Acts to prohibit little children being put to productive labour—is it conceivable that we cannot discover any means whereby the sleek, able-bodied pauper or the stalwart burglar can be made to earn the rent of his cell or the cost of his skilly?

If the attempt were fairly made, prisoners might soon contribute at least one half of the cost of their detention. One difficulty in the way of this might be the cost of adapting prisons for productive work. Time would be wanted to perfect the scheme and gain experience. Short-term prisoners and the incapable could not be made productive. The expense of surveillance of the residue would be a greater cost than a manufacturer incurs with his people, so that half the cost of detention is as much as could probably be realised for a time by productive prison work. Perhaps in the first instance a few trades would have to be selected, and prisoners able to be made of use drafted to a working prison to fulfil their sentences there. Conferences of prison officers who have self-supporting ideas, and manufacturers tired of taxation, might have to be convened, to state recognised difficulties and suggest branches of employment possible, before a good working plan could be devised. The 'deterrency'—an

inseparable object of imprisonment—must be sought in the discipline, the severity and privation of prison life—not in the labour. If the deterrency is in the labour, you deter men from labour, and ensure their future return to idleness and crime. Crime arises mainly from disinclination to work. The opportunity of work in prison should be the relief held out for good behaviour. Profitable labour should be the means of creating habits of industry, and thereby restoration of the criminal to honest life. To this end a good day's labour should be exacted from each prisoner, and a portion of his earnings credited to him as a fund for his future start on a better course of life. Society out of prison can only be kept honest and self-supporting by labour being regarded as a dignity; and if labour be made a degradation in gaol, the chief chance of the prisoner's restoration to honest industry is destroyed.

When I was imprisoned I should not have done any appointed labour unless dressed by the gaoler in the morning and carried to it, because labour in my case would have been construed as a sign and confession of crime. At the same time I begged the Governor to let me dig his garden, and I voluntarily worked at the party pump at hand until he desired me to desist, as I was deluging the gaol. Confined with others who did no work, and without my resource of writing, I acquired an abiding impression that prison idleness was not only waste of taxpayers' money, but demoralisation of prisoners. It is not good that a man should live on his own mind who has only a criminal mind to live upon. There are men whom nobody can save and nothing can reclaim, but we can avoid making them worse. I do not think that prisoners are philosophers, or that the millennium will begin in gaols, but the majority of criminals can be improved, many can be saved, and most of them made to pay for their salt.

Of course there are practical difficulties in any attempt to make prison labour productive. There are such difficulties in the way of everything, that the wonder is that anything is done. Indeed, the miraculous machinery, chemical, biological, and intellectual, by which we live, is so astounding that if Nature had not set us going, all the practical philosophers around us would prove it impossible we could live. Indeed, no man would walk about for fear he should fall down, and this Congress would be afraid to assemble. We must not be too much afraid of 'practical' people, who would kill us all did not common sense save us. There have been attempts to

do what is advocated in this paper, and failures, from causes worth studying, have occurred. But let no man be thereby discouraged. Any experiment has a doubtful chance of success where one half of those who attempt it believe it cannot succeed, and the other half think it ought not, and hope it will not.

This is all I have to say. I make my paper purposely brief, for I regard a long paper as a criminal appropriation of the time, patience, and attention of the hearer, which ought to be dealt with by a stipendiary chairman of the section, or by the local magistrates, as a form of philosophical petty larceny. Since any man can be foolish in a minute, it is hard if the reader cannot be suggestive or instructive in fifteen; and if he fails in that period, the less time he takes up the better.

On the Same.

By Alderman HENRY MANTON, J.P., Chairman of the Visiting Justices Committee, Birmingham.

WHEN I consented to write a paper for the Association I chose the Repression of Crime, a subject much more in harmony with the thoughts, feelings, and reflections my long acquaintance with prison life and observation of criminals had called forth, and of far greater importance in its social, moral, and financial bearing, but I was informed that that subject was already appropriated, and I was requested to write on the topic my paper embraces. Feeling it to be an honour to be invited by so justly distinguished an Association, I complied with the request. I think it right to state that what I have written is the result of local experience and observation.

The question is one of great importance, but by no means a novel one. It has engaged the earnest attention of speculative and practical minds, and many experiments have been tried, and yet the difficulty remains, still demanding a thorough investigation from the philanthropist and social economist; and whoever, by inventive genius or by persevering and practical experience, aids in bringing the question to a favourable solution, must prove a benefactor to his country.

I think, prior to discussing the question, it is essential we should understand what is meant by 'self-supporting'—whether we are to limit the meaning to what is required for

the personal wants of prisoners confined in the whole of Her Majesty's prisons, or whether it is intended to include the necessary expenses of prison management, inspectors, and commissioners. If the latter are included, I fear we may be found yearning after an impossibility. If only the former, then I not only think it possible, but that it may, with perseverance and with the aid of experience, be secured.

If we go back to the past century, or even the early part of the present, we shall find that hard labour was made part of a sentence against prisoners exclusively with the object of punishing, or of rendering the prison, and even those who enforced discipline, as hateful as possible, and society at that time would have cordially supported such a view. Nor are there wanting those at the present time who are loud in their denunciations against modern prison arrangements, stating as their belief that imprisonment as inflicted in the present day has almost lost its deterring influence. I think such persons greatly err. All punishment for transgression should be inflicted with two objects in view: 1st, to teach the transgressor that law and order cannot be allowed to be violated with impunity; 2nd, that to punish without a desire or an effort to reclaim, would most certainly force the law-breaker to a deeper depth of degradation and crime, and greatly intensify his hatred, and possibly incite a spirit of revenge against those who he may believe are allied in spirit with those from whom he has received such harsh treatment.

It will be a mistake to attempt to answer the question by the experience gathered from any one prison, however close and even lengthened may have been the observation.

That the great majority of prisoners of both sexes prefer employment to solitary idleness, especially those who are at all given to thinking, I am thoroughly convinced. Many, yea very many, times have I been solicited to use my influence to secure prisoners employment. If then there be on the part of prisoners a desire for work, such a willingness must prove a help towards making labour productive.

The important question for us then to consider is, what kind of labour can be rendered most productive, and at the same time take the prisoner through an educating process, which may perhaps imperceptibly influence his moral nature, and render him both capable and anxious to support himself in the future by honest industry?

Prisons, also, with their surroundings, will be found to differ widely; some prisons have greater facilities for dis-

posing of their produce than others; and others will be able to get far more productive labour from the prisoners. Take for instance the Birmingham prison (from which I ought to have gathered a considerable amount of experience), and at the same time consider one of the prisons where penal servitude prisoners serve their time. The latter has about as many years to exact labour from as the former has months, whilst if you compare the number of prisoners upon whom the law has imposed hard labour, the contrast will be found to be very far greater.

I think I cannot do better to illustrate the advantages and disadvantages of the two kinds of prisons than by giving an analysis of the prison work already alluded to in our own case.

The average number of prisoners for the year 1883 was: male, 427; female, 104—total, 531. The division of labour was as follows, not dealing with fractions:—

Grinding wheat by treadmill . .	7½	per cent.
Pumping water for the prison by crank	3½	,,
Breaking stones for the Corporation .	10½	,,
Mat-making, and weaving for sale .	12	,,
Picking oakum (mostly female labour)	21	,,
Various trades—repairing, painting, bricklaying, carpentering, &c. .	7½	,,
Domestic work of all sorts for prisons and prisoners	16	,,
Awaiting trial, not liable to work .	14	,,
Debtors and prisoners not subject to work	8	,,

With regard to the labour on the treadmill and at the crank, though I still retain the opinion that the labour is not at all excessive, yet even the preparation of this paper has tended to deepen an impression that there is a very objectionable feature connected with it. There cannot but be an instinctive desire in the mind of every labourer, however humble, to see what he is producing, and as he witnesses the result the tendency must be to create in some degree self-respect, and cause him to feel that he is not utterly useless, and the very sight of the produce of his industry may inspire a resolve that on gaining his freedom he will henceforth enjoy the fruits of honest toil. Neither the treadmill nor the crank is at all likely to exercise such an influence, especially as not a few of those who are so employed know full well that the small steam or gas engines

that turned the lathes in the manufactories they were acquainted with, would easily do the work at which sixty of their fellow-prisoners are daily employed.

I am forced to the conclusion that such labour must generally result in counteracting much of the influence which might be secured by chaplains and others who strive to reclaim, and send them from the prison with a feeling of hatred, if not with a spirit of revenge. From observations I have not unfrequently heard I think there is a very exaggerated estimate of the cost of prisoners. I know from twenty years' observation that the food of each prisoner, including those under medical care having an extra diet, has not averaged a sum equal to two shillings per week, and so long as corn does not exceed 45*s.* per quarter there cannot arise a necessity for an increase. Then, with regard to clothing, a sum not exceeding one-fourth of the cost for food is required beyond the labour which produces it. I think that if prison labour can be made to produce an average of 2*s.* 6*d.* per week, in addition to the labour expended on the clothing of prisoners, then we may conclude that so far as the personal necessities of prisoners are concerned prison labour may be made self-supporting.

Past experience has somewhat plainly intimated that care will be required in the selection of trades for prison work, to avoid such articles being manufactured, the disposal of which might offer in any degree an unfair competition to the ordinary tradesman or the industrious mechanic.

I will venture to indicate some kinds of labour which I think may be rendered productive, without being accompanied by any very objectionable features.

Stone-breaking in the Birmingham prison has proved both a useful and profitable employment; it has the advantages of fresh air and exercise, and supplies labour for unskilled prisoners; but the demand for broken stones must depend on the mileage of macadamised roads or streets in the neighbourhood of the prison. The earnings of stone-breakers are equal to their support.

Mat-making and cocoa-nut matting have hitherto supplied a considerable amount of labour, and proved more productive, financially, than stone-breaking, partly in consequence of the latter being partially dependent on the weather.

Oakum-picking, on which female prisoners are principally employed, is almost valueless, only supplying labour as a punishment.

Through the courtesy of Captain Tinklar, I have obtained the following schedule of the value of prison labour. Actual profits:—

	s.	d.	
Grinding corn	0	3	per day.
Mat-making	0	6	„
Stone-breaking	0	5	„
Tailors and shoemakers	1	5	„
Oakum	0	0½	„

Estimated value of work done for prison:—

Shoemaking and tailoring	1	9	„
Carpentering, &c.	1	6	„
Bricklaying, smiths, and gasfitters	1	6	„
Painters	1	3	„
Stokers	1	8	„
Bakers	1	9	„
Cooks	1	11	„
Labourers	1	0	„
Cleaners and nurses	1	3	„
Knitting	1	0	„
Washing	1	6	„

The important question then remains is, what trades or employments can be introduced which shall render prison labour more productive? I think that as the Government, by the Prisons Acts of 1877, took possession of the whole of the prisons of the kingdom, and assumed absolute control over them, we have a very strong claim for their thorough co-operation and efficient help in securing the much-desired object.

It will be seen by the schedule named that tailoring, shoemaking, and knitting rank among the most profitable branches of labour. Surely the supposition cannot be unreasonable, that the great bulk of clothing for the army, for the navy, and also for the police, towards which the Government contribute one-half, may be supplied by prison labour, especially by long-service prisons.

I firmly believe that if an impartial consideration were given to the suggestion, and men of practical experience were invited to give their aid, the success would be certain.

I have entertained for many years an opinion that the cultivation of the soil might with great advantage be resorted to, supplying labour as it would for persons of most ordinary ability.

The experiment might be made, say on a thousand acres, the opportunity for extension being secured. The land in quality might be below an average, but should be situated somewhat conveniently to a market for its produce. The cultivation to be by spade or other manual labour, and the products such as would be suited for army, navy, and other Government stores.

Such employment would no doubt involve the necessity for special arrangements for supervision and security. Yet I believe the result might be found amply to compensate for the toil and expense involved in such an enterprise. And might not such employment be fairly expected to create a taste for agricultural work in those who regain their freedom, and remove the otherwise natural desire of returning to towns or thickly populated districts, and thus afford them a far better opportunity of supporting themselves by honest industry in the future?

Some years since, on passing up the Clyde, an intelligent officer of the ship informed me that within a century only small vessels could reach Glasgow, and even those required the tide in their favour. As a Scotchman, he very naturally and with pleasure expatiated on the perseverance and enterprise displayed by his countrymen in accomplishing so marvellous a change, and thus making Glasgow and its neighbourhood the centre of attraction to such portions of the civilised world as may require either a mercantile or naval fleet.

Now suppose it had been possible for a similar enterprise to be simultaneously carried on, say in the Avon, or the Dee, or other rivers or estuaries with which the United Kingdom abounds, and which possibly in great measure might have been accomplished by convict labour. Had such been the case, how much more equal would have been the distribution of labour and contentment with social and commercial prosperity through the length and breadth of the land!

Is it altogether too late for the Government to turn their attention to a subject of such importance? Rightly or otherwise, they have taken upon themselves the entire responsibility of dealing with the convicted criminal class. Hence it becomes their imperative duty to avail themselves of any suggestion or offered co-operation which may present even a probable means of rescuing a numerous class from a condition to which their former conduct has reduced them, and of raising them above the temptation to sink again into a

criminal or pauper life, and stimulate and aid them in securing by honest industry social comforts and enjoyments.

DISCUSSION.

The Rev. H. SOLLY (London) thought the last paper formed an admirable commentary or supplement to the valuable address of the chairman. In criminal labour two points were of importance: firstly, the labour should be made a privilege, which it would be after a term of compulsory idleness and solitary confinement; and, secondly, it should be remunerative to the prisoners themselves, so as to induce them to take an interest in their work. Sir Walter Crofton and Captain Mackonochie led the way in this direction many years ago. There was, however, another principle which might be introduced into their system—namely, the principle of co-operation. Let the prisoners work together in a regular co-operative association, so that a kind of *esprit de corps* might be formed, and the results of their labour be brought out in regular proportions, one of these proportions being profit to themselves. The old Saxon principle of frankpledge might also be very usefully applied to our prison system. That principle, as well as the co-operative system, should be applied both to punishments and rewards. Prisoners should be made answerable for the good conduct of one another. All should suffer for the bad conduct of one of their number, and all should benefit by good conduct. The great amount of 'solidarity' which prevailed amongst the criminal classes might be made use of to a much larger extent than was at present the case. In all schemes of social reform, especially the reform of the criminal class, the most important principle, next to religious influences, was that of self-help; and, as yet, it had not been employed to anything like its full extent. It might be applied in a double form: firstly, by forming prisoners into a society with regular officers, a certain amount of subordination, and especially a systematic oversight amongst themselves, thus creating a feeling that each was responsible for the conduct of the rest; and that not merely in a penal sense, but in the sense which had worked such admirable results in co-operative factories and industrial partnerships, where each man felt it to his interest to see that his neighbour did not waste either his time or his material; secondly, the principle might be worked out in the shape of allowing the prisoners to share in rewards as well as punishments. Alderman Manton had alluded to an important matter—namely, Industrial Village Settlements. These settlements should be established in various parts of the country where agricultural labour could be combined with home industries and local manufactures. Some of these settlements should be employed for the reclamation of hopeful criminals, others for the honest poor. No portion of the chairman's address was more valuable than that in which he spoke of Discharged Prisoners' Aid Societies. If there were industrial village settlements to which the more or less reformed criminals (especially ticket-of-leave men) could be sent, there would not only be a better opportunity for carrying out the co-operative scheme in

combination with the principle of frankpledge, but there would be a far better chance of finally reclaiming prisoners than in a closely guarded high-walled prison. Nothing tended more to rehabilitate the moral character of a man than awakening his sense of moral responsibility. That was most difficult to do in prison life. Magistrates, chaplains, and governors all found it almost impossible to avoid being imposed upon. But when once prisoners found themselves formed into a society in which they were living under a sense of mutual, moral, and practical responsibility, where they had the hope of mutual reward and the fear of mutual punishment, then one could readily detect the men who were most susceptible of improvement. Such men, as a climax of reward, after a certain time might be transferred to other quarters, where they might be afforded an opportunity of getting altogether out of the criminal classes. This would greatly relieve the police of the necessity for that surveillance which so often resulted in the hunting down of criminals, and in that way depriving them of the chance of reclamation and of earning an honest livelihood. The police, probably, could not be said to push this surveillance often to an unreasonable degree; but it would be a good thing to relieve them of so delicate and dangerous a duty as far as possible.

Mr. Frederic Hill (London), speaking after an experience of sixteen years—in the earlier part of his life, as an Inspector of Prisons, chiefly in Scotland, but partly in England and Wales—was of opinion that our prisons might be made self-supporting. But to accomplish this object two things were necessary—first, the futile and absurd practice of frequent and short imprisonments must be discontinued; and secondly, motives must be given to prisoners, such as influence men out of prison, to work industriously and intelligently. The first requisite would need alterations in the criminal law, which, however, in his (Mr. Hill's) opinion, were quite feasible, and were desirable on other grounds than those of financial saving; and secondly, by affording prisoners opportunities for working at those kinds of employment for which they are best fitted, and (under proper control as regards expenditure) letting them, at their liberation, receive whatever they may have earned beyond their cost to the State.

Mr. Hastings, M.P., who had acted for twelve years as Chairman of the Committee of Visiting Justices of the county of Worcester, said it must be remembered that a very large proportion of the prisoners committed to local prisons were sent there for short periods—seven, ten, and fourteen days. Under such a state of things it was impossible that the ideas which had been enunciated with regard to remunerative prison labour could in regard to such prisoners be carried out. Another point to be borne in mind, when comparing prison labour with that of the free population outside, was that the criminal race was physically and mentally very inferior to the ordinary population of the country. Some investigations which he had made in Worcester prison conclusively proved that fact. Taking a period of seven years, the average stature of the male prisoners—including those coming in as casual offenders—was fully two inches below the average stature of the adult male population of the country. It was the same with regard to

other physical characteristics—the size of their heads, and their brain and muscular power. It was impossible to get out of them the same amount of labour as out of the average adult male population of the country. But, having made those qualifications, he considered that improvements were required in the organisation of prison labour. One of these had come prominently under his notice within the last few months, and, as he had made it the subject of a representation to the Prison Commissioners, he had no delicacy in mentioning it in that section. He could have no other desire in criticising the proceedings of that body than that of helping them to arrive at better conclusions. The Prison Act was no doubt passed with the main object of securing uniformity of treatment in prisons, and it had to a very great degree succeeded in that object. Subsequently to the Act being passed, Sir Richard Cross, then Home Secretary, did him the honour to ask him to draw up a scheme for uniformity of primary punishment. He did so. The scheme was adopted by the Home Office, and was in use at the present time. But he never contemplated, nor did any one else who advocated the Prison Act contemplate, so vital an error as that of uniformity in matters of industrial occupation. Uniformity of punishment was a thing most desirable, but uniformity as to industry destroyed all hope of making prison labour remunerative. At the present moment the Prison Commissioners had established a uniform tariff for washing throughout England and Wales. The consequence was that, whereas in Worcester prison they had formerly for many years done a considerable trade in washing, at the present moment they were not doing washing for a single person outside the prison. The uniform tariff fixed by the Prison Commissioners was higher than the scale of payment for washing in the city of Worcester. It might not be the case as regarded Birmingham, but he knew of several other prisons in the country in which this uniform tariff had totally destroyed the washing trade as far as the outside public was concerned. In the case of the prison at Devonport, some years since, where the prisoners were engaged in washing, the prison was made almost self-supporting in consequence. When the Association met at Belfast he visited the prison there, and found that a profit of upwards of 600*l.* a year was being made out of washing. Washing was one of those occupations which could be made very profitable in prisons where there was a large outside population demanding laundress accommodation; but it could never be worked to a profit in the prisons throughout the country if an arbitrary tariff was to be fixed by an official in London without any reference to local requirements. At the time the Prison Act was passed he was alive to the dangers of too much centralisation, and he now urged upon all who were interested in the subject the necessity of keeping steadily in view the principle that the first condition of success in making prison labour productive was variety of occupation, adapted as far as possible to meet the different requirements of the locality in which the prison was situated. The visiting justices of the different prisons ought to have much larger powers than they at present possessed with regard to occupations in prisons. The justices need not interfere actively in the discipline of the prisons, but they

ought to be allowed to bring their local knowledge and experience to bear upon the choice of prison occupation, and he trusted that the Home Office would turn its attention to carrying out this improvement.

The PRESIDENT of the Association (the Right Hon. G. Shaw Lefevre, M.P.) feared that Mr. Holyoake had hardly appreciated what had already been done by the prison authorities in the direction he aimed at. A perusal of the recent Report of the Commissioners of convict prisons and the Commissioners of ordinary prisons revealed the fact that the value of the labour effected by prisoners amounted to a very considerable sum of money. The total annual cost of the two classes of prisons was 750,000*l.*, and the value of the labour performed by the prisoners—irrespective of their ordinary prison work, the labour which could be classed as profitable—was not less than 300,000*l.* Personally, however, he considered that estimate as a little too high. The two classes of prisoners came under very different considerations. In the case of convict prisons the inmates were under sentences for very long periods, and therefore the work suitable for them was of a totally different character from what was suitable for ordinary prisoners. Some very considerable works, notably at Chatham, Portland, and Portsmouth, had been effected by means of convict labour. While Secretary to the Admiralty he had occasion to inquire into the question whether some additional works required by the Government should be constructed by convicts or not, and, as one result of his inquiries, he came to the conclusion that, however advantageous it might be to the prisoners themselves, convict labour was not really profitable to the country. It was of a very expensive character, for it required greater plant, an enormous amount of supervision, and the hours of labour were shorter than in the case of ordinary labour. Moreover, it was impossible to make a man imprisoned for a very long period really work hard, and certainly not more than two-thirds (or even one-half) of the work of an ordinary labourer could be got out of him. At the same time it was a matter of the greatest importance to keep convict prisoners at work, even though there was considerable doubt whether their labour could be effectively and profitably employed. With regard to prisoners confined for short periods the question was of a totally different character; and, as Mr. Hastings had pointed out, it was impossible to put such prisoners to effective work. One of the suggestions made by Mr. Holyoake had already been adopted by the Prison Commissioners, namely, an inducement was given to prisoners to work to an individual profit. They were allowed to earn small sums, which were put to their credit, so that when they came out of prison they might have something wherewith to start life afresh. But the work carried on in such prisons must necessarily be of a very simple character, for the carrying on of important trades was an impossibility. The general idea of the Prison Commissioners had been to provide simple work for prisons to which the labour could be applied of those who were serving short terms of imprisonment, and which at the same time could be rendered fairly profitable. A short time ago he found that the beating of carpets for the Government offices cost a considerable sum of money, and, by

sending them to be beaten by the prisoners at Pentonville, a saving of six or seven hundred pounds a year was effected. There were many kinds of work of a similar character upon which prisoners could be profitably employed, but it was not possible to put them to work of a complicated character. He quite agreed with what Mr. Hastings had said with regard to the evils of uniformity of occupation. It was not the intention of Parliament when the Prison Act was passed to enforce uniformity of occupation, and the fact of its having been done was an illustration of the bad effects of centralisation. The choice of occupation for a prison ought to be left to the discretion of the prison authorities and the visiting justices.

The Rev. Dr. Ace (Laughton) quite endorsed the views of Mr. Hastings with regard to the necessity for diversity of occupation in prisons.

Colonel Ratcliff (London) insisted that the primary object for which criminals were sent to prison was correction, not mere employment in association. In America, prisoners were set to work together at various trades, but it was found that under that system prison life tended to lose somewhat of its deterrent effect. It would be of great benefit to society if some system could be devised by which crime could be so punished that the punishment should have a lasting effect. If prisoners were sent to gaol, and set to do trifling work instead of hard work, the question arose whether that was a punishment of a sufficiently deterrent nature. When crime was committed it should be severely dealt with, and a prisoner should be made to feel on entering a prison that he was suffering a punishment which was intended to have some permanent influence upon him.

Mr. Holyoake, in reply, referring to the remarks of Mr. Shaw Lefevre, said that the country recognised in him one of the few ministers who know most things, but he had evidently not heard that the late Governor of Bedford gaol had maintained that prison entirely by the labour of the prisoners undergoing both long and short sentences, and had actually produced a profit to the taxpayer. That state of things, however, ceased when the Government took the prison into their own hands. Mr. Hill spoke with great authority, but he underrated the sublime capacity of ignorance to limit the devices of wise administration. The people who really prevented prison labour being made profitable were the tradespeople and the trades-unionists. Would it be possible, did Mr. Hill think, to get Mr. Broadhurst, and the other leaders of the Trades Union Congress, to agree to a resolution that prisons ought to be made productive? No; it was because the Government were not prepared to confront unionists and shopkeepers that so little was done to put prisoners to work. Trade interests were not everywhere uninformed on this subject. In America the tradespeople of Baltimore had borne testimony to the fact that an increase of prices had resulted to them from the competition of prison labour. Only four days ago, a public writer, who had been educated in two universities, and was, therefore, as nearly infallible as a human being could expect to be, maintained that prison labour would unjustly compete with honest labour unionists, and shopkeepers were not the

only persons under illusions. Alderman Manton, with his great experience, had not argued this question unless there was great need to do it. Mr. Hastings' evidence as to Worcester showed that Government itself might be registered under the title of 'Infallibility, Limited.'

Alderman MANTON regretted that the shopkeeping community should be so strongly opposed to the productiveness of prison labour.

The CHAIRMAN (Mr. J. S. Dugdale, Q.C.) considered Mr. Holyoake's paper most logical and convincing. If there were any trades-unionists or others who objected to the principle of prisons being made self-supporting, they could not do better than read Mr. Holyoake's paper, for it would certainly convince them. A great deal had been done in the direction of making prisons self-supporting, and he hoped the Prison Commissioners were not setting themselves to upset any good effects which had resulted therefrom. If they were too strict in enforcing a rigid uniformity they might do mischief in many places. He agreed with Mr. Hastings that the nature of the occupations in each particular prison ought to be left to the visiting justices to deal with. If not left to them, then the Home Secretary ought to pay great attention to the recommendations which they forwarded. If prisons were to be made self-supporting, it was impossible to employ one rule all over the country. There must be different prices, different rules, different trades, and different industries, according to circumstances, and it was impossible to get better advice upon such subjects than that which the visiting justices were able to offer.

SCHOOLS OF DISCIPLINE.

Should Schools of Discipline be established for the Correction of Juvenile Offenders, and their Detention for short Periods?
By ALFRED HILL, J.P.

I HAVE been requested by the Council of the Association to write a paper on Industrial Schools; but as I not long ago put forth my views on this subject in the *Contemporary Review*, I will now confine myself to some questions arising out of the evidence given before the recent Commission on Industrial Schools and Reformatories.

The Commission was appointed in consequence of charges made against a large Industrial School in London, which had occasioned a fear in the minds of a portion of the public that these institutions were generally in an unsatisfactory state; but it is gratifying to find that the inquiry, while calling attention to several important matters which require amendment, results in making manifest to the Commissioners —and I believe to all who read the evidence—that the Industrial Schools and Reformatories have, on the whole,

produced great benefit to the community in diminishing both juvenile and adult crime. For the remarkable lessening which has taken place during the last quarter of a century in adult crime must be attributed in a great degree to that cause; as those who under the old system would have become thieves and depredators, must have since grown to manhood.

There is a very general consensus of testimony to the effect that the race of ingrained young thieves and thief-trainers—formerly so numerous—is now almost extinct; and as Mr. Barwick Baker well shows, even if Reformatories had never succeeded in permanently reclaiming a single inmate (instead of 75 to 90 per cent. and upwards), they would have rendered great service to the community by catching the gang-leaders and trainers (who were nearly all boys), placing them in confinement, and thus causing the disappearance of the gangs.

These important achievements, however, instead of inducing us to repose on our laurels, should only spur us to new zeal and energy in removing the blemishes and defects exposed by this inquiry, and in carrying into effect the improvements suggested.

For some years past the yearly reports of the inspector had called attention to the rapid growth in the numbers of children committed to Industrial Schools, particularly in Scotland (and the Irish reports show that Ireland is in this respect not far behind), where they number nearly three times as many in proportion to population as in England. Nor is this to be accounted for by any preference for these schools over Reformatories; for the number sent to the latter class of institutions is proportionally much greater than in England, where indeed, at any rate in this district (with which I am familiar as a magistrate), the sending of a child to an Industrial School or Reformatory is generally dreaded (though there are exceptions) both by itself and its parents; and indeed the threat of that proceeding is commonly used by the magistrates to induce an erring child to amend his ways, or to cause his parents to take more care of him.

But in Scotland the feeling seems to be very different. Indeed, the language used by the Scottish witnesses before the Commission shows that a large portion of the poorer classes in some towns—especially Aberdeen—are *desirous* to obtain admission for their children into these schools. Thus they speak of pressure of application, numbers waiting for vacancies, &c., in a manner which proves that great numbers

of parents can have no idea that it is disgraceful to have their children placed in establishments meant for the training and reformation of those who have been neglected or have gone wrong. And this is the more remarkable as it appears in several parts of the evidence that the Scotch have a keen sense that application to the poor-law authorities for aid is degrading, though the latter course implies mere poverty, and the former, culpable neglect. But they seem to have got the idea into their heads that the Industrial Schools are a sort of foundation that anyone is entitled to avail himself of who can; and this feeling may probably be attributed to three circumstances.

Firstly, the manner in which children are sent to Industrial Schools in Scotland—very frequently by a single magistrate, not acting in open court, but anywhere—sometimes in his shop or office; so that the check of publicity is wanting. (In England children are never sent to Industrial Schools save in open court at the petty sessions.)

And secondly, that very little contribution to the maintenance of their children is collected from the parents—two-thirds of them indeed never paying anything—although Government employs agents for the purpose as in England. This is attributable to the want of means of enforcement of the civil decrees of Scotch courts against working people, which can only order the 'arrestment' of the debtor's wages —*i.e.*, a notice to the employer to pay a portion of the wages to the creditor, the usual effect of which is to cause the employer to dismiss the employés on the receipt of the notice, or to induce the latter to move off.

In England a much larger proportion of contribution from parents has been obtained, though since the passing of the Summary Jurisdiction Act of 1879 (which directs magistrates to first make an order of distraint upon the goods of the debtor, and only to imprison him on no sufficient goods being found) less than before, when imprisonment could be ordered in the first instance. The report therefore recommends that the old law should be restored in England and extended to Scotland. A third reason is that the children in Scotland, being nearly always placed in schools in the towns where their parents dwell, are permitted to go home on Saturday afternoons, so that there is no serious separation from them—a liberty far less conceded in England, where indeed the children are often sent to establishments distant from their parents' abodes. The Com-

mission suggests that the old law should be re-established in England, and extended to Scotland.

If the proposed change in the legal procedure were effected, and the parents made to feel their responsibility by having to contribute as large a proportion as they were able of the child's cost in the industrial school, no doubt this state of things, which is sapping the independence of a considerable portion of the Scottish working classes, would be obviated.

The Commission also recommend that a fixed proportion of the cost of maintenance should be paid by the guardians of the poor in England (and the corresponding officers in Scotland), of 2*s.* 6*d.* a week to boarding, and of 2*s.* to day, Industrial Schools, and that they should collect the parents' payments, and should keep them towards recouping their funds. As these officers have a great knowledge of the inhabitants of their respective localities, and machinery for enforcing family liabilities, probably a much more complete collection would be made than could be effected by any other means. It is also proposed that the guardians should have notice before a child is ordered to be sent to an Industrial School, in order that they may have an opportunity, if they think fit, of showing cause against it, and of informing the magistrates as to the circumstances of the parent, to guide the latter in assessing his contribution.

Another cause of the great increase in the numbers sent to Industrial Schools is the action of the School Boards, to whom was entrusted the charge of neglected children, who are now no doubt much more effectually looked up than formerly. But these boards also send many of another class to the certified Industrial Schools—namely, *truants*—those who attend irregularly, or not at all, at the public elementary schools. Where this is owing to the obstinate neglect or worse of the parents such a course may be justifiable; but where the fault is the child's own (as is often the case with the offspring of widows who have to work out all day to maintain their families, and have no means of compelling their children to attend school—and not unfrequently widowers are in a similar position), it is hard upon the child, highly unjust to the parent, and equally so to the public (upon whom the burden chiefly falls), to send away a boy or girl for many months and even years, for what, after all, is merely a child's naughtiness. Two expedients have been adopted to avoid this evil course—Truant Schools and

Day Industrial Schools—though it is to be regretted that the Birmingham School Board has availed itself of neither of them.

The Truant Schools—which have been established in London, Liverpool, Sheffield, and other large towns—have a discipline more or less severe, with a good deal of drill instead of play, &c. To these the contumacious children are committed for periods of some length, but if they behave well they are within a few weeks licensed back to their homes, on condition that they attend regularly at a public elementary school. And it is found that this treatment is usually effective, the number of relapses, where the child has to be returned to the Truant School, being proportionately small.

The Day Industrial Schools—where the children are fed and employed for part of the day in industrial work—are established in pursuance of an Act of 1876, obtained by the exertions of the late Mary Carpenter. They have been adopted in Bristol, Liverpool, and other towns of England, and also under a local Act at Glasgow—for the Act of 1876 does not extend to Scotland. They seem to be very successful and are strongly recommended by the Commission. These schools are admirably suited to the necessities of those very poor parents, particularly widows, who are unable to wholly support their children, though they can do so partly; and the feeding afforded in them obviates the miserable state of things so often seen in public elementary schools, of children being forced to attend and work hard when evidently greatly under-fed. As persons confined in prisons are thereby prevented from obtaining the means of livelihood, they are clothed and fed by the authorities; and on the same principle children placed in a similar position by compulsory attendance at school are entitled to be preserved from want, though their parents, when able, should be made to recoup the School Board for the cost, as can be done under the Act of 1876. It is found also that a large proportion of the children, after a comparatively short period (in Liverpool six months on an average), cease to attend the Day Industrial School, being removed to the ordinary public elementary schools; and Mr. Rathbone, the chairman of the Liverpool School Board, thinks it probable that if the Day Industrial Schools had been founded first, it would not have been necessary to establish Truant Schools.

The cost of Day Industrial Schools is from 3*s.* to 3*s.* 6*d.* per child per week, including everything.

It appears that in many Industrial Schools the children are not licensed out to situations so soon as they are sufficiently trained and improved to afford a prospect of their remaining steady and industrious; and, indeed, the best are often kept to the end of their terms on account of their usefulness in the institution; and thus, while the cost to the public is not diminished as it ought to be, the child is deprived of the great benefit of a probationary release, so as to gradually accustom him to freedom. The Commission therefore recommend that the inspectors should report upon any child whose release has been unduly delayed; and some of the witnesses suggest that whenever an inmate has remained more than two or three years in a school, or has attained the age of fourteen, the managers should be bound to satisfy the inspector why he is not licensed out.

Much evidence is given to show the need of retaining some authority over the child after the expiration of his term, as it often happens that his parents then remove him from a situation where he is doing well, prevent his emigration, going to sea, or entering the army, &c., and bring him into unfavourable circumstances, sometimes even dragging him back into vice or crime, so that all the improvement which has been effected at so much expense is destroyed. To obviate these evils the Commission recommends that the authority of the parent (who, by neglecting the child, has shown himself incapable of using it aright) should be transferred to the managers of the school, who should keep up a supervision over him for two or three years, until he is old enough to manage for himself. In most of the States of the North American Union an erring child is constituted a 'ward of State' until he attains twenty-one; and thus the authorities are able to prevent his being laid hold of by worthless parents or other undesirable persons, while in cases where the parents are of good character he may be entrusted to them.

The question of the preliminary imprisonment (now required by law, for ten days at least) of children committed to Reformatories was much inquired into, a great difference of opinion being elicited, most of the English witnesses favouring its retention, while those from Scotland were nearly unanimous for its abolition. The general tendency to send the younger children to Industrial Schools rather than to Reformatories—in which case, when a school is not immediately available, they are meanwhile placed in the workhouse—renders the question of less importance than it was formerly. In my own experience as a reformatory-manager, I have found

no evil to arise from this practice, for children in gaol are now carefully segregated from adults. The Commissioners report in favour of the retention of the imprisonment, but propose that in the case of boys the magistrates should be empowered, at their discretion, to substitute for it whipping, to be administered at the police-office, and that the confinement of girls should not be in the common prisons, but in cells near the Reformatories to be specially provided for the purpose.

A very important subject, upon which evidence was given by many witnesses, was the need of some means of dealing with boys and girls who, from ingrained wickedness or extreme violence of temper, are found to be unsuitable to the comparatively mild discipline which most conduces to the improvement of the great majority of the inmates of Reformatories. At present those thus found unmanageable are brought before the magistrates and committed to prison for usually three months, after which they are liberated, their further presence in the Reformatory being deemed to be too mischievous to their fellow-inmates; and such children in most cases are known to fall into the ranks of the criminal and vagrant classes.

The Commission consequently recommend that an experiment should be tried of a Reformatory specially adapted to the class in question, which, while possessing sufficient means of coercing the refractory, would, they trust, be able to effect a reformation without the application of long-continued severity. To this establishment an inmate of an ordinary Reformatory might be removed by order of the Secretary of State.

The Commission report that the casual employment of children in the streets in hawking newspapers, &c., is a frequent source of mischief, as shown by the fact that a large portion of the inmates of Industrial Schools and Reformatories have been engaged in this employment, amounting in Manchester to 67 per cent. of all the children sent by the School Board to Industrial Schools.

The Scotch Education Act, 1878, has placed some restrictions on this practice, which, however, owing to the lightness of the penalties authorised, are not so effective as could be desired. In Manchester and Birmingham also some regulation is effected under local Acts. I believe that it is the result of experience that occupations carried on in the public streets are very apt to become nuisances if left unregulated. Indeed, this fact has long been recognised in

the regulation of cabs and omnibuses, and, in some towns, of street porters. Probably the most effective mode of protecting children from these evil influences, and at the same time putting down many nuisances, would be to place all street trades under regulation. In Boston (Massachusetts) children are not allowed to work in the streets unless attending school regularly, and such attendance might be made a condition of their licenses.

In conclusion, I would beg to observe that most of the evidence was given before the Commission so long ago as 1882, and the remainder in the first half of 1883, and the report came out in the beginning of the present year; yet nothing has been done towards carrying the valuable recommendations of the Commission into effect, though a short amending Bill would have sufficed—a fact not creditable to the zeal of our rulers for the great object of suppressing crime.

On the Same.

By A. Herbert Safford.

THE Inspector of Industrial Schools in his recently published report remarks :—'The estimates for Industrial Schools for the present year are largely in excess of the preceding one, and if the increase in future years is in the same ratio, industrial and reformatory training will soon become a very heavy burden upon the Treasury.' To all who have been active in forwarding the good work of promoting the education and training of neglected or criminal children, this statement will carry serious import. It means that the attention of the Government is being pointedly called by its own officer to what he evidently considers an unnecessary expenditure of public money. Will this be followed by a reduced grant and the extinction of some Industrial Schools? I trust not, but rather that our attention is being asked to the consideration of the question of restraining misspent energy, and misuse of the Industrial School system.

Interested and informed as I have been in the system from its initiation in England, I have for some time past been conscious of a great disposition in some quarters to use Industrial Schools for purposes for which they were never intended, and for which they are needlessly expensive, and quite unsuited. The original scope of the work of these schools was well stated

by Mr. Hastings in his address at Brighton in 1875,[1] thus: 'I am well aware that there are some, for whose opinion I have the highest respect, who hold that those children who are either the offspring of neglectful parents who care nothing for the education of their children, or are children who are constantly playing truant in the street, ought to be dealt with by being taken before a magistrate and sentenced by him to detention for a term of years in a certified Industrial School. I say in reply to that opinion, having been one of the authors of the original Certified Industrial Schools Act, I must emphatically deny that it was ever intended by the authors of that measure that certified Industrial Schools should be used for such purposes. They were intended for the purpose of dealing with the minor offenders among the children of our population. When it had been found that the establishment of Reformatory schools cut off the supply of young felons it was seen there was something more needed, that we wanted a net of smaller meshes to catch the small fry who had not yet grown into young criminals, although they had become young vagrants, and thereupon the Act for the establishment of certified Industrial Schools was prepared by the Law Amendment Society and was ultimately passed through Parliament.'

This declaration of the original objects of the Industrial Schools Acts by one of the authors deserves attention at the present time. Since the passing of the Elementary Education Acts, there has been a rapidly growing practice of using these schools as a means of punishing truant or troublesome children. 'Some of the so-called Industrial Schools are,' says that competent witness, Colonel Inglis, '*full* of educational cases, and the boys are detained far longer than necessary. School Boards should deal with persistent truants by repeated short committals to Truant Schools, and if the conduct of a truant schoolboy is such as to require detention in an Industrial School on other grounds than educational ones, I think the question of his committal should be argued before the magistrates.' I think that the pressing importance of the question of the right use of Industrial Schools should not be lightly considered by those responsible for the management of these institutions. The pressure of the cost of improved education upon the middle-class ratepayer is being severely felt in London, and there is a rapidly growing undercurrent of dissatisfaction which, at any moment, when it seems there has been unnecessary expenditure, may find vent in a flood of

[1] *Transactions*, 1875, p. 139.

indignation which will retard for some time the development of more perfect education—a result which, I am certain, none would deplore more than the earnest workers of Birmingham and Manchester.

The increased expenditure has been from 58,701*l.* in 1866 to 359,821*l.* in 1883.

There were in Industrial Schools—

	Boys	Girls	Total
1861	297	183	480
1883	15,043	3,737	18,780

The relative disproportion of boys under detention at the two periods seems to me to demand some thought; but it would be hardly within the limits of the question now being discussed. Commenting on the Truant Schools, Colonel Inglis says: 'They are, on the whole, doing good work; but more restrictions are necessary in only sending such cases to them as appear likely to be benefited.'

These observations seem to me to point to the necessity of schools of discipline for the punishment of the idle and mischievous.

It has been my frequent experience that well-meaning people complain that the magistrates 'will not save' such and such children, whose parents are careless and improvident. I am certain that if, in the first instance, children could be sent for short terms, the magistrates would feel less reluctance in sending many children to these schools, and if on their release the children were found to be still incorrigible the magistrates would have little difficulty in sending these children for longer periods. One of our greatest difficulties in London is that the children of Roman Catholic parents will not be accepted for any less period than the full term—viz., until the child attains the age of sixteen years, and this system is to my mind a most unjust burden on the rate and tax-paying community.

But beyond the question of mere truant children, a far graver one has recently been presented. Sir William Vernon Harcourt, as Home Secretary, has with great humanity practically prevented the imprisonment for crime of any mere children. Now, there are many offences for which it would be manifestly absurd to send children to Industrial Schools for any lengthened period: take, for example, cases of malicious mischief and the like.

What then are you to do with a young lad so charged? He must not be sent to prison, he cannot legally be flogged,

and to send a lad of nine years old till he is sixteen to an Industrial School, would be inflicting on the child an unnecessarily long restraint, and would be imposing a heavy burden as I said before on the already over-taxed rate and tax-payer. You can, no doubt, under pretence of intending to deal with him under the Industrial Schools Acts, remand him to the workhouse for a week, which, if the boy is, as he probably will be, an idle one, will suit him well, as he has no work to do and plenty to eat and drink.

Having shown what we cannot do, let us now approach the consideration of what we might. Are we prepared to accept the German system explained by Baron von Holtzendorff at the International Penitentiary Congress of 1872? 'No child' (said the Baron) 'under twelve years of age in Germany could be brought before the magistrate for *any* offence he might have committed. It was reported to the schoolmaster, who inflicted on the offender the necessary chastisement. Then the law said that a boy between the age of twelve and eighteen might be sent to a Reformatory, which was generally under the management of private persons. There he might be detained until the age of twenty.'

Now, I am quite prepared to admit that the German method seems a humane and correct one, but I am afraid public feeling in England would be that it is undesirable to place such powers in the hands of all schoolmasters. The schoolmaster would be the sole judge of the boy's conduct, and it would leave to an irresponsible agent of the Government the administration and amount of the punishment. There has no doubt been a very marked improvement in the ability and position of the schoolmaster; but yet I feel there are many to whom we should be unwilling to entrust so great a power. Another point must not be lost sight of, and it is this, that the German system presupposes every child to be attending school, while those with whom we desire to deal are seldom even on the school books.

There is another course which after having been almost tabooed in this country is, I regret to say, gradually finding favour again—namely, flogging for every offence. It has the advantage of being economical and summary; but for my part I do not desire to see it generally adopted. It should in my humble opinion never be used except as a final appeal, and to natures so low, that no other means can affect them. With nearly thirty years' experience of criminals, I venture to assert that such natures exist among young children in

only very exceptional cases. The alternative course to all the preceding is that which after very careful consideration commends itself to me. It is the establishment of schools of discipline, wherein the discipline should be sufficiently severe to deter the child from any desire to go there again. The children should not be detained in these schools for a longer period than three months, in fact I believe the shorter the period, providing the discipline was good, the more effective would be the punishment as a deterrent. It is a great mistake to let men or children in punishment for first offences get accustomed to it, which will certainly happen if you make the detention unnecessarily long. The class of children to be received in these schools should be:—

1. Children under remand.
2. Truant children.
3. Children who have committed criminal offences, but who from their antecedents need not be sent to Industrial Schools. There should be also, certainly in the case of criminal children, an additional sentence of supervision by the officer of the School Board for a certain period of years, during which period, should the child recur to evil habits and companions, he should be liable to recommitment, or be required to find bail (his parents if possible) for an equivalent period for his good behaviour. For offenders resident in large cities, it would be very desirable if provision was made and funds supplied to enable magistrates to place children as apprentices in country districts or to the sea service.

It may seem a little beyond the question of this paper, but I cannot leave the subject of Industrial Schools without pleading earnestly to you to consider if some school cannot be founded for crippled vagrant children.

They are a source of revenue to inhuman parents, they are very weak, but very intelligent often, they would look upon those rescuing them from their degradation with gratitude, and yet time after time the Industrial School door is closed in their faces because they are weak, because they give trouble, and worse than all, they 'don't pay.'

In conclusion, let me commend schools of discipline to your consideration on the grounds that their establishment would effect a saving in the charge for Industrial Schools, the inducements to parents to neglect their children on the chance of obtaining free boarding schools would be minimised, and finally no child need be found in prison, while every child would know that certain punishment follows crime.

On the Same.

By the Right Hon. LORD NORTON, K.C.M.G.

THE question raised as to schools of discipline for the conviction of juvenile offenders invites greater consideration than has been given to the elaborate report of the Reformatory and Industrial Schools Commission, which gave nearly three years' labour and minute investigation to it in England, Scotland, and Ireland, the report being in the printer's hand, and coming out just when Egypt and France absorbed all attention. It lays down generally the principle that the State, through voluntary or magisterial management (which was necessary), stands *in loco parentis* to all these neglected children whose parents mostly require punishment. And the object is that the State should give these neglected children similar, and as good education as the law requires of others. This is exactly the right view, and it strikes at once against the idea of disciplinary schools. Schools cannot be places of sustained correction during the education of the whole of their childhood. The object with juvenile offenders is to obliterate all association and recollection of their early criminal life. Just as the cure of a disease is proved by forgetting it, so the success of a Reformatory is the oblivion of crime. It has been a great mistake putting these schools in the Police and not the Education Department. The difference between Reformatory and Industrial Schools should be only one of age, and therefore of the more confirmed animal habits. In Scotland, the common-sense view that they were and must be schools, has led actually to establishment of Pauper and Industrial Schools, though a keen eye to relieve the rates out of the Treasury had something to do with it, and Scotland has the credit of emptying most of its largest pauper schools by boarding children out. The confusion of schools has, therefore, as its chief misfortune the designation of poor children as juvenile delinquents, but that is a very material mischief. The report, from the general view of which I differed on this point, so far agreed that it admits that the educational work in these schools requires, both for inspection and for the advantage of the teachers, connection with the Education Department; but it clings to the first mistake in retaining a police character, though why Industrial Schools should be specially under the Home Office one does not see, and from the whole institution being under two departments one sees infinite mischief, collision, and useless expense. Any connection of these

schools with the Department of Police frustrates their usefulness in dissociating the children from a sense of criminal character, and impedes the children getting on in their industries, which are the two great objects of the school. Day Industrial Schools are in their nature Ragged Schools, and the report compares them with what are called Truant Schools, for which the law makes no provision, and very few of which have been attempted, and all on different principles under cover of the Industrial Schools Act. How Truant Schools can cure an inclination to truancy is past explanation or conception. One near Liverpool is a place of solitary confinement in what they call single dormitories. A short time before leaving, the children are associated in industrial employments. One set up by the London School Board, at Hackney, is simply a ragged Industrial School for short terms. Surely the right treatment of truancy is the birch rod, and not a distinct set of schools throughout the kingdom. The multiplication of institutions for every possible case is a feature of hobbyism, and not of statesmanship, and has much graver objections than the useless expense in the abuses and the dangerous moral confusion it engenders. This proposal applies also to a proposal for 'Special Reformatories for refractory cases,' as well as to 'Truant Schools for short detention.' I offer it in deprecation of like ideas spreading to theories of education for other classes of society. Perhaps the best recommendation in the report is that the local authority should collect the parents' payments, the very imperfect imposition, as well as collection of which, gives a positive premium on neglect and crime. The central authority has a circumlocutory information sent to it from local police, and refers back to them for the execution of the order. The report proposes the collection and retention of parents' payments by the guardians, as a set-off against their having the primary liability to the charge of the children at the school, to which the money only contributes. It is also essential that the impediments imposed by the Summary Jurisdiction Act should be removed. It is also recommended that in the case of a boy convicted of crime, the punishment before sending him to school should generally be whipping, and not imprisonment. This is the view taken by almost every body of magistrates in response to a circular from the Home Secretary. Very useful recommendations are made as to the disposal of boys leaving school, both in the country's naval and military service, and by emigration, as well as by removing the impediment to employment in labour

and trade, caused by the police stigma attached to these schools, which is ill-compensated for by the extra charitable interest taken in children subjected to such foolish injustice beyond that felt for children honestly brought up—mistakes got rid of if we could cease to treat schools as penal places.

DISCUSSION.

Mr. ALDERMAN MANTON (Birmingham) said that in the Cottage Homes at Marston Green there were some four hundred and forty or fifty boys and girls, the children of parents who had either deserted them, were in prison, in the workhouse, or separated from them for some cause or other. It was found that very often, as soon as a boy who had been trained in these Homes was able to earn a little money, the vicious parents reclaimed him, and took him back to the corrupting and demoralising influences of former life. The remedy for this evil was that every child in these Homes should be treated according to special circumstances. If the school-board inspector found that the homes from which they had been taken were so bad that the children could only be corrupted by returning to them, there should be a power vested in the magistrates to order their detention until there was a favourable opportunity for them to go home or elsewhere. Children ordered to Industrial Schools were not first sent to prison, but to the workhouse. It was the custom in Birmingham that while the children were detained there, a visitor should go and inspect the condition of their homes. If he reported that the homes were bad and the parents vicious, the children were committed to the Industrial School; but the visitor was instructed to watch, and see if the parents could be made to contribute anything towards their children's support. If they could, they were made to pay it—even if it was only sixpence or threepence a week, and the cost of collection was greater than the sum received—rather than be allowed to escape all responsibility for their children's support. Children were discharged from Industrial Schools at the age of sixteen, and it too often happened that they went back and gradually succumbed to the demoralising influences from which they had been rescued. An instance came under his notice a few weeks ago, in which a boy who had been trained in their Industrial School had to be discharged from a situation—Messrs. Nettlefolds found him employment, where he was earning eight shillings a week—in consequence of becoming so dirty and ragged in his appearance. His parents had pawned all the clothes with which he came out of the Industrial School. When boys or girls were discharged from an Industrial School, they should, if possible, be sent right away out of the reach of former influences. Mr. John Middlemore was a man who had done one of the noblest works ever performed; he had personally taken upwards of eleven hundred children out to Canada. Mr. Middlemore, a short time ago, made an offer to take fifteen of their Industrial School boys out to Canada. The offer was made known in the presence of the whole

school, and those who accepted it were told to stand out. After some little hesitation thirty-five out of a hundred and forty-nine boys signified their acceptance of the offer. Then Mr. Middlemore committed a grave mistake. He invited the parents to meet at his rooms and take tea. They accepted, to the number of some seventy in all; and the result of that unfortunate step was that out of the thirty-five boys who had accepted Mr. Middlemore's invitation, only two were allowed by their parents to go. Why? Because the boys had arrived at an age when their labour could be made profitable to their low and degraded parents. Ultimately, the parents of four more boys were induced to consent, so that, in all, six boys went to Canada. Mr. Middlemore only required ten pounds with each of these boys, to take them out to Canada and place them in respectable homes; whereas, if they had remained in the school they would have cost the town eighty pounds at the least; so that, even on the score of economy, it was good policy to send them right away from all chance of the temptation to relapse into their old life. With regard to the criminal classes generally, there were at the present time, and who had passed through their gaol, 910 chronic criminals; he called those chronic criminals who had been convicted five times and upwards. Many of these were sincerely penitent while in gaol, and it would be a good thing if the Government would give the visiting magistrates power to deal with special cases, so as to enable them to take these people in their penitent moods, and send them right away out of their old associations. The Discharged Prisoners' Aid Societies did not go to a sufficient length in that direction. A great deal might be done towards the repression of crime by rescuing those who were willing to be rescued.

Mr. Arthur J. S. Maddison (Secretary of the Reformatory and Refuge Union) read the following extract from a letter just received from the manager of a large Industrial School in the north of England: "I am continually being confronted with cases of the boys' friends taking them away from good situations as soon as they are 16 years of age. The question of questions in relation to Industrial Schools is—How to obtain power of legal supervision and control until the age of 19?" He said that Mr. Safford began his paper with a reference to that clause in the Inspector's Report on Industrial Schools which alluded to the increase of expenditure on the part of the Treasury upon such schools. The meaning of that of course was that a larger number of children were being sent to those schools year by year. That circumstance ought to be looked upon as a very favourable sign, for it indicated their success in the prevention of crime. It had been admitted in previous Reports that the present enormous reduction in adult crime was mainly due to the Industrial Schools. In order to understand the Industrial and Reformatory School system it was necessary to bear in mind the classification, which was an important feature. First there was the Day Industrial School, which, as Lord Norton had said, ought to be under the Education Department. It was simply the old Ragged School under Government inspection. Next came Truant Schools. He could tell Lord Norton that Truant Schools were very deterrent of truancy. In the ordinary Industrial Schools boys as a rule were very happy. In the Truant Schools he would not say that

they were actually unhappy, but they were very glad to get out of them. A boy played truant in order to get sent to a certified Industrial School, and found himself sent to a Truant School, where he was compelled to submit to a disciplinary training, and not allowed to play. Under those circumstances he would think twice before playing truant again. Next in the scale came the ordinary certified Industrial School, and then the Reformatory. The Special Question—the establishment of schools of discipline—was capable of three interpretations. The first was, as he had mentioned in his paper read before that section last year, the establishment of a place of reception for boys and girls who were so bad as to be beyond the ordinary Reformatory treatment, and who, under the present system, were generally sent to prison for three months and then discharged. The number of such boys and girls during the past seven years was 57, so that a very large school would not be required; nor ought it to be a large school, for these boys and girls formed a class very difficult to deal with. Nevertheless it pointed to a weakness in our system, if in seven years there were fifty-seven children who could not be dealt with in the ordinary Reformatory Schools. The next type of school to which the Special Question applied was one to avoid the previous imprisonment of children before going to Reformatories. Children before being sent to a Reformatory (but not to an Industrial School) had to undergo a term of imprisonment varying from ten days to a month. In the minds of many people this was objectionable, and to meet this objection the Royal Commission suggested that schools of discipline should be established, or that cells should be attached to the Reformatories to receive these children—especially the girls. It was, however, very questionable whether that idea would be successful. Most of those who gave evidence before the Commission were not in favour of it. The third kind of school of discipline was that suggested in Mr. Safford's paper for the *punishment* of unruly children, and this opened up a very large question. The proposal involved the establishment of an entirely new class of schools. Such institutions would be, practically, juvenile prisons: they would be essentially for punishment and not for training. The main feature of distinction between the Reformatory and Industrial Schools on the one hand, and prisons on the other, was that the former institutions were for training, and the prisons for punishment. Some persons would prefer children being sent direct to Reformatories without going to prison. The strong objection to that was that it would entirely alter the character of the Reformatory; it would no longer be a simple school, but a place for punishment. At present a boy or girl was not sent to a Reformatory for punishment: the punishment took place somewhere else, and then the child went to a Reformatory for a course of special training. Therefore, whatever place was required for the carrying out of Mr. Safford's idea, it could not be grafted on to the Reformatory School system. There would have to be a new class of penal school established all over the country. He quite recognised the necessity of some power to compel parents to pay for the support of their children while in Industrial Schools, but the most important question at the

present time was that of keeping control of these children up to the age of eighteen, as recommended in the Report of the Commission. A large proportion of the failures of the children discharged from Industrial Schools were due to the fact of parents being able to interfere in the ultimate disposal of their children.

Mr. Michael Davis (Birmingham) called for some suggestion for dealing with the parents of children in Industrial Schools. He had always had a difficulty in classifying such children: were they paupers or criminals? He was told that they were not paupers because they did not receive parish relief, and not criminals because they had committed no offence. The community to which he belonged—the Jews—had never had a child in an Industrial School, because every child amongst them was brought up in the right path and taught to depend upon himself. In the Industrial School system they took away from a boy that self-dependence which was so essential to a successful future. He was made into something worse than a pauper, and a stigma was put upon him which lasted throughout his life. The present Industrial system enabled profligate and extravagant parents to get rid of all responsibility for their children, whose support was thrown upon the hardworking population. Such parents as these were not likely to care for their children to go abroad; they wanted to make use of them after leaving the school. If the support of the children were taken away from the parents, the responsibility for their future ought to be taken away also; but if the responsibility of the parents were allowed to continue to the extent of influencing their children's future, they certainly should be made to support them while young.

Mr. Frederic Hill (London) shared Lord Norton's strong objection to a multiplicity of institutions. Three only were, in his opinion, necessary—the prison, the Reformatory, and the Industrial School. Those three furnished all that was requisite, whether for children or adults. But in relation to each of the three, the responsibility of a parent for the cost of his offspring should be enforced, and this under pain, except in special cases, of the parent's imprisonment. Such enforcement would at once put an end to all temptation on the part of a parent to get rid of his pecuniary responsibility by having his child sent to an Industrial School. In many cases the very resort to an Industrial School would be unnecessary if a parent who, by bad example, neglect, or even misfortune, caused the expense of maintaining his child to be thrown upon others, could be deprived of his parental authority; subject to a reservation that he may reclaim it by first repaying the expense that had been incurred. This was the rule at the Foundling Hospital in Paris, and an excellent rule he thought it was. The board of guardians of the poor of which he was a member (that of Hampstead) were frequently defeated in their attempts to provide for the virtuous training of pauper children by the action of foolish or vicious parents in claiming the possession of these children. It was this power, for example, which much impeded the guardians in placing children in the care of good foster-parents on the boarding-out system. With regard to the emigration of children, whether from the hands of guardians or from Industrial Schools, it was desirable that an arrangement should be

arrived at with foreign and colonial authorities by which, when the child is old enough not only to maintain himself but to save money, repayment may be enforced of the cost of his emigration, so that a great benefit may be conferred on the children and good done to the colony or foreign country to which they are sent, without imposing any permanent tax on the ratepayers.

Miss DAVENPORT HILL (London) fully agreed with what had been said as to the importance of making parents contribute towards the support of their children in Industrial Schools, but at the same time confessed that, from her experience in connection with the Boys' Industrial School at Brentwood, it was not easy to make parents do so. In London parents could move from one district to another with so much facility, that for a time all trace of them may be lost. What was wanted was some power of compelling parents to pay. Magistrates often did not order parents to contribute proportionately to their means towards the maintenance of their children committed to Industrial Schools. This was partly owing to a defect in the law, which prevents the magistrate from making the order until the child be actually in the school. When, therefore, application is made to the magistrate for this order, the persons who can give him reliable information as to the means of the parent are rarely present. He (the parent) pleads poverty. The magistrate does not like to seem harsh, and frequently orders a smaller contribution than justice demands. With reference to the non-admission of cripples into Industrial Schools, was not their moral training of as much importance as that of healthy boys? Were they to neglect the moral training of a boy simply because he could not be made into a ploughman, a mason, or a bricklayer? There were many trades, such as tailoring, which cripples could very well follow. There were three boys at Brentwood with only one leg each. Two of them were said to be good cricketers.

The Rev. Dr. ACE (Laughton) contended that the gaol was not the proper place for young children, and he had always denounced it as such. By all means make parents liable for the support of their children at Reformatories. But the Reformatory itself was quite a sufficient corrective, without sending children to gaol. The evil that resulted from such incarcerations had never been set before the British public so clearly as it had been by the present Home Secretary. When he enunciated his views in that section at the Brighton meeting of the Association some years ago, he thought certain persons in the room would have swallowed him whole; but it was generally admitted now that there might be a better place for the correction of juvenile offenders than the common gaol.

Mr. A. HILL, in reply, said he did not know whether the idea of establishing schools of discipline originated with him, but it was a suggestion which he sent in to the Secretary of State many years ago. The idea came to him as a result of several years' management of a Girls' Reformatory, containing about forty inmates. As a rule the girls were very orderly and well-behaved, but it sometimes happened that they would get one girl into the school whose example would cause defiance and disobedience to spread amongst all the rest. These girls

proved intractable, and an order generally had to be obtained from the Secretary of State for their discharge. When set at liberty, they soon got into trouble and went to the bad. He therefore suggested to the Secretary of State that there might be established a Reformatory of a somewhat more penal character than the ordinary ones, specially arranged with a view to this class of children, where they might work out the remainder of their sentences. The establishment he proposed would be a good deal like an ordinary Reformatory, with a stronger staff, a larger number of cells, and arrangements for keeping the inmates at work in a more prison-like manner. He was sorry that Lord Norton did not agree with him, but at any rate the Royal Commission recommended the scheme. The ordering of payments by parents was a very complicated subject, and one which perhaps no one but Mr. Maddison thoroughly understood. If a parent was ordered to pay too much he simply ran away, and the result was that you got nothing. If anything was to be got out of the man at all, it was necessary to order him to pay as much as he would, not as much as he ought.

Mr. A. H. Safford, in reply, quite agreed that the Industrial School system was a merciful arrangement, but it was one which was in danger of being overstrained, and the result might be that public opinion would be turned against the whole Industrial School system. Since 1870 the increase in the number of children sent to Industrial Schools had been enormous. That increase had a meaning which Mr. Maddison apparently failed to see, namely, that Industrial Schools were being used for the purposes of enforcing the Elementary Education Act. In 1870 the number of boys in Industrial Schools was 8,280. In the following year—the first year of the Elementary Education Act—the increase began, and the number now amounted to 18,780. That was an enormous increase, and it was a very undesirable thing, if it could be avoided, that the expense of maintaining these children should be put upon the ratepayers. The question was, could it be avoided? He commenced his paper with a very strong view that it was undesirable to send children to either an Industrial School for a long term, or to prison. But that was the only alternative which existed at present. The idea that these children were taken wholly from the lowest classes was erroneous. He knew a case in which a girl was sent to an Industrial School whose father was earning 4*l.* a week. He sought to throw his parental responsibility on the State, but the magistrate ordered him to pay five shillings a week towards her support. It was a very desirable thing to take children away from bad parents and send them to Industrial Schools; but if that principle were freely applied to the Metropolis alone, with its four millions of population, the increased cost of the Industrial Schools would very materially swell the income tax. In his own court there was an average of something like seventy such cases a week. His idea was not to multiply schools. Assuming Truant Schools to exist, there was no objection to using them as schools of discipline. It might be said that truant children were a distinct class from the children who committed petty offences. But his experience rather disagreed with that statement. With regard to the question of getting cripples into Industrial Schools, such children

could be dealt with by being sent to the workhouse, and treated as workhouse children under the 42 & 43 Vic. cap. 48. The guardians under the poor law had a right to apply to the Local Government Board to allow these children to be transferred to special homes for deaf, dumb, blind, and crippled. He was not quite sure, however, whether they could take a child of that description who was not absolutely destitute. If not, the law might be amended in that respect.

Mr. MADDISON explained that up to the passing of the Education Act there was no authority to bring children under the Industrial Schools Act. Now nearly all the children in the Industrial Schools were sent there by the School Boards, because the School Boards supplemented the payments for them, and the Industrial Schools would not receive them without these payments.

Mr. A. H. SAFFORD said that if cases which ought to go into Industrial Schools as vagrant children were being dealt with as school-board cases, the ratepayers were unjustly treated.

The CHAIRMAN (Mr. J. S. Dugdale, Q.C.) agreed with those who thought that there should not be any great multiplicity of institutions. The prison, the Reformatory, and the Industrial School ought to do all that was required in respect of children; but it was certainly desirable not to send children to prison where it could be avoided. In most cases it could be avoided. The 'final appeal,' mentioned by Mr. Safford, was the best punishment for them, and then let them be discharged. But where boys were destitute, had no parents, or got into such a state that they required to be sent either to a Reformatory or an Industrial School, he would say let them go. He did not see why a child who was sentenced to a Reformatory might not be sent there at the earliest possible moment. The child would probably think being sent to a Reformatory was quite punishment enough. It would be punishment first and education afterwards. Miss Hill had given most conclusive reasons why cripples should be admitted into Industrial Schools. If the moral training of cripples was neglected, they often turned out worse characters than those who had the full use of their limbs. The questions of parental payments and parental responsibility were very difficult ones. But if a parent could not or would not support his children, and they had to be sent to these schools, and the parent did not contribute towards their support while there, he ought to lose his authority over them.

TRAFFIC IN STOLEN PROPERTY.

What Means would reduce the Traffic in stolen Property?

By J. FARNDALE, Chief Constable of Birmingham.

IN approaching the task of preparing my Paper on this subject, I find it more difficult to make it interesting than I anticipated, owing to the narrow limits of the subject as compared with papers read by Mr. Howard Vincent and

others to this section in previous years. I also feel that the subject having so recently occupied the attention of the Legislature, and so many writers having pointed out the difficulties experienced by the police and the many suggestions made by way of remedy, that little novelty can be introduced into the subject by me. Some of the suggestions I venture to offer for your consideration have already appeared in Bills before Parliament, but up to the present time, I need scarcely say, have not become law. It should be borne in mind that the tracing of stolen property does not affect cases of larceny only, but in many instances is the means of procuring convictions in cases of murder, robberies with violence, burglary, and other serious offences; it becomes therefore of the utmost importance that every facility should be given to the police to search for and trace property that has been stolen in such cases without unduly interfering with the liberty of the subject, or causing unnecessary trouble or annoyance to anyone.

I propose to deal with the subject under three heads, viz.:—

1. Pawnbrokers.
2. Dealers in old metals and second-hand goods.
3. Powers of Police.

1. As to *Pawnbrokers*:—In the outset I wish it to be distinctly understood that whatever observations it will be my duty to make reflecting on the conduct of some in the trade, I do not intend them to apply to the members generally. From many of them the police receive most valuable information from time to time, and it is only right that I should publicly acknowledge it, but it is known that their business is not an exception, and that there are black sheep within the fold: it is to them more particularly that the difficulties of the police are due.

I will now proceed to point out the difficulties experienced by the police in connection with this trade.

It frequently happens that stolen property has been received by pawnbrokers before any intimation is received by them that property of a like kind has been stolen; the fact that the court would, on conviction of the thief, be likely to order the goods to be restored to the owner (perhaps without compensation) naturally causes some to be not too anxious for the detection of the crime, especially as, in many cases, the pawnbrokers are in no way to blame, and feel it to be unjust that they should suffer loss.

On receiving particulars of a robbery, the police forward a description of the articles to the different pawnbrokers, and I regret to say that it frequently happens that no information whatever is sent by them to the police, although it ultimately appears that the stolen articles had been pledged and an accurate description furnished.

I will mention a few instances.

About nine months ago a number of burglaries were committed in the neighbourhoods of Hockley and Handsworth, when special means were taken to supply the pawnbrokers with a full description of the articles stolen; notwithstanding this, no information was given to the police except by one pawnbroker. But I am pleased to say this led to the conviction of the burglars, and the discovery of the stolen property, which had been pledged at no fewer than eleven different shops, the proprietors of which had all received information with a description of the articles. The information given by this one pawnbroker led to the restoration of property to the value of about 100*l.*, and, more important still, to the conviction of the burglars.

Again, on January 26 last, a watch was stolen by a servant girl from her mistress. The robbery was reported to the police, who immediately communicated with the pawnbrokers, and supplied them with a description of the watch; no information was received from any pawnbroker. The girl was apprehended, and a pawn-ticket of the watch found upon her; the pawnbroker who took it in pledge had been interrogated by the police, but denied all knowledge of it; after showing him the ticket he produced the watch, and the girl was convicted.

Another instance is supplied to me by the Chief Constable of Huddersfield. A watch and albert guard, value 12*l.*, were stolen from Huddersfield; the following day an officer was sent to Halifax to search for them. In the course of his inquiries he called at a pawnbroker's shop, saw the assistant who had charge of the business; the officer described the property, and also the woman who was suspected of having stolen it, but no information was given to him. The same day the thief was arrested, when she stated that she had pawned the watch at the pawn-shop referred to. On the following day she accompanied the officer to the shop, and there saw the manager; the constable asked him if the prisoner (pointing to the woman) had pawned a watch and albert guard (those mentioned by him the day but one before). He said she had not. The prisoner said in his presence that

she had done so, but the manager still denied it. The officer obtained the assistance of the local police, who asked to see the pawnbroker's books, and in the special contract book found the duplicate ticket of the article searched for; on this being shown to the manager, he gave up the property, which was identified as that stolen by the prisoner.

Before leaving this part of my subject, I should like to refer to another difficulty experienced by the police here, within the last few months. A report was received of a watch being stolen at Coventry; the owner had received private information that it was pledged at a shop in this town; he and one of our police inspectors went to the shop, and asked to look at the watch said to have been pledged. The pawnbroker did not deny having received such a watch in pledge, but refused to show it to the inspector or owner unless the latter gave him a written indemnity, securing him from all loss, if the thief should be convicted, and the watch ordered by the court to be restored to the owner; the owner declined to do this, and refused to proceed further with the matter.

The above cases are cited as examples of difficulties the police have frequently to contend with, and are given in order to justify the remedies I venture to suggest.

(1) I am of opinion that *all* pawnbrokers should be required to be licensed by the justices, who should have the power to refuse the renewal of the license for certain offences, subject to the right of appeal by the pawnbroker to Quarter Sessions. The Legislature has already recognised the necessity of obtaining magistrates' certificates before granting licenses in all cases of persons commencing the trade after December, 1872; but unfortunately, pawnbrokers in business before that date, their executors, administrators, assigns, or successors, are exempt from this provision; this renders the clause almost inoperative, for persons who were licensed before that date can take new premises in any town, and then assign the business to persons who have not before been in the trade, and who have not obtained the magistrates' certificate; and by these means evade the Act of Parliament.

(2) I am also of opinion that police officers of not lower rank than sergeant, authorised by the chief of police, should have during business hours power to inspect the books of any pawnbroker, and require the production of any article he may believe to have been stolen, and order it to be detained for a few days pending inquiries.

(3) I think it should be a penal offence, punishable summarily, in case a pawnbroker or his assistant fail to give information to the police as to goods received in pawn, on proof that an accurate description of such had been given, and that he had been informed that such goods had been stolen, or unlawfully obtained, or for buying or taking in pledge goods unlawfully obtained, if it can be proved to the satisfaction of the Court that at the time when he received them he had reasonable cause to believe they had been unlawfully obtained.

(4) Pawnbrokers should be required to enter in their books a description of any distinct mark on any of the articles pawned—such as an inscription, mark, number, initial, monogram, or crest, or, in the case of jewellery, any peculiarity of setting; and that before disposing of unredeemed pledges, or goods received on special contracts, they should furnish the chief of police of the district in which they carry on their business with a list or catalogue of the articles to be disposed of by auction seven clear days before the date of sale.

2. I now come to the second part of my subject—namely, *Dealers in Old Metals and Second-hand Goods.* I mean by a dealer in second-hand goods one who carries on the business of dealing in, buying, or selling by retail second-hand articles of every description.

In dealing with these persons, the police find greater difficulty than with pawnbrokers, inasmuch as they are not required to keep any books, nor give receipts. They are not bound to admit the police, nor allow them to examine their stock. They are at liberty to purchase goods at any hour of the night, and from children. The police have almost daily proof of the disposal of stolen goods at these places by persons whose ages would prevent a pawnbroker receiving them, without rendering him liable to a penalty.

Under the old Metals Act, 24 & 25 Vict., the justices, after certain conviction, may direct the dealer to be registered by the chief of police, and after such registration the dealer is required to keep in a book, according to the form in the Act, an account of all old metal he may become possessed of, stating in respect of each article the name of the person who purchased or received it, and the time at which, and the name of the person from whom, it was purchased, with a description of his business and place of abode. He is also required to enter in such book an account of all old metal he sells, and the name of the person to whom he sells it.

Nor can he purchase or receive any old metal before nine in the morning, nor after six in the evening, nor purchase old metal from any person apparently under sixteen years of age, nor employ any person under sixteen to purchase old metal of any description. He is also required to produce to any inspector or sergeant of police duly authorised, whenever requested, the book required to be kept, and any old metal purchased by him then in his possession. And he must, without delay, give notice to the officer on duty at the police-station of any articles then in his possession, or which shall thereafter come into his possession, answering the description of any articles which have been stolen, embezzled, or fraudulently obtained, of which printed or written information containing a description of such articles is given to him by any officer of police. And he must also keep all old metal purchased by him, without changing the form in which the article was when so purchased, nor dispose of the same in any way for a period of forty-eight hours after such article has been purchased or received.

These provisions, as I have before observed, only apply to old metal dealers, as defined by that Act, *after conviction*, and continue in force for a term not exceeding three years. I think it should be extended to second-hand dealers, and the time extended, if not made perpetual. Both classes of traders ought to be licensed and to keep a register in some modified form to that which I have described, without requiring a conviction. The very fact that they are not under legal regulations prevents convictions, and consequent registration. The same powers of entry and inspection should be given as suggested by me in the case of pawnbrokers.

The following case will illustrate the want felt by the police of authority to search without delay, and shows the utility of the registration suggested, which prevents a dealer from altering the character of any article until the expiration of forty-eight hours from the time of purchase.

A jeweller and watchmaker of this town, who was a well-known receiver of watches, plate, and jewellery, kept a melting-pot; upon jewellery being received by him, its identity was immediately destroyed, the plate was melted and the watches 'christened'—that is, the numbers and makers' names erased, and others cut in, and the cases and works changed. A number of watches pledged by this man came into the hands of the police, but all identity has failed owing to the above cause.

In April, 1883, officers entered his premises, and found

twenty-five gold and silver watches which had all been 'christened'; three of them were owned, but the remainder cannot be identified for the above-stated reason. The man has absconded, leaving all the property found in the possession of the police.

There is little chance of recovering stolen property in such cases, unless search can be made immediately after the robbery; provision should be made which would enable the chief constable to authorise a search under the conditions I have named in that part of my paper entitled 'Powers of the Police,' without the delay in obtaining a search warrant from a justice.

When stolen articles are found on search, there is the greatest difficulty often in showing that the person knew they were stolen.

As to the proof of the guilty knowledge of receivers, a recently decided case has materially limited what was supposed to be the law as to the evidence admissible in these cases. Under the Prevention of Crimes Act it is provided that, when proceedings are taken against a person for having received goods knowing them to have been stolen, evidence may be given at any stage of the proceedings, that there was found in the possession of such person other property stolen within the preceding twelve months, for the purpose of proving guilty knowledge. It was supposed that this referred to stolen property found in prisoner's possession within the preceding twelve months, but the case 'Reg. *v.* Carter' recently decided that it has only reference to property found in prisoner's possession at the time when he was found in possession of the property in respect of which he is charged. It is to be regretted that this useful provision is so narrowed as to make it almost nugatory. If the thief has parted with other stolen property only a few minutes before he is found in the possession of that which forms the subject of the charge, it cannot be proved against him, although it may be notorious to the police that he is a receiver.

3. *Powers of Police.*—These should be extended to meet the difficulties suggested. The most important are the want of power to pursue, and where deemed necessary, to enter and search premises without the delay attending the obtaining of a search warrant from a justice; some limitations to actions for trespass where the police fail to find the stolen property on search without a warrant; and the want of funds or security for repayment of expenses in pursuing the thief, or

tracing the stolen property to distant places; and lastly, increased facilities to obtain a greater knowledge by the police of the criminal classes.

I can again best illustrate the difficulties the police have to contend with, by the recital of two other cases.

A detective officer named Jones in 1881 having been informed that a man had received some stolen property, entered his house, searched, but failed to find it. This man had been previously convicted, and there was no time for the officer to obtain a search warrant under the Prevention of Crimes Act. The man commenced an action against the detective, and recovered 25*l.* and costs, amounting altogether to 38*l.*, as the officer had done wrong in searching without authority. After this the man was sentenced to three months' imprisonment for felony in March, 1882, and eight months' imprisonment and two years' police supervision for another felony in August, 1883. It has since been a common saying amongst receivers when questioned by my detectives, 'If you search my premises, I will make a Jones's job of it.' As the above sum had to be paid by the officer out of his own pocket, I need not state its effect on the force.

In May, 1876, a superintendent followed a man whom he suspected; they passed a shop kept by a rag and bone dealer, in a rather extensive way of business, but who was known to be a receiver; the man noticed the officer following him, and whispered to the dealer on passing. The officer apprehended the man he had been following, and found on him a number of brass castings he had stolen; prisoner was taken back to the receiver's, and the superintendent said he should search the premises, when he was threatened with an action if he did so; he did search, and found upon the premises a quantity of stolen brass. They were both committed for trial. If the superintendent had not searched, the stolen property would have been melted or removed during the time which would have elapsed in obtaining a warrant; and if the superintendent had failed to find any property, according to the present law, he would no doubt have been proceeded against in the County Court, as in the case of Jones.

The giving of power to the chief of police is not new, for section 9 of the Prevention of Crimes Act provides that the chief of police may give authority to search in the following cases, namely: 'When the premises to be searched are, or within the preceding twelve months have been, in the occupation of any person who has been convicted of receiving stolen property or of harbouring thieves, or when

the premises to be searched are in the occupation of any person who has been convicted of any offence involving fraud or dishonesty, and punishable by penal servitude or imprisonment.'

I think power might safely be given to the chief of police of the district, when a felony has been committed, and where, in his opinion, the delay in obtaining a search warrant from a magistrate would frustrate the ends of justice, to grant an authority to a police officer to enter premises and search; and even in cases where a constable, acting in good faith and upon reasonable grounds, enters without this authority, I think the criminal court, on the case coming before it, should have power to grant a certificate, which should be a bar to any action of trespass on finding that the officer acted as stated.

It is the practice in some police forces not to allow public money to be spent in the pursuit of absconding criminals, or in tracing stolen goods sent to a distance. This tends very seriously to prevent the conviction and punishment of receivers. It is no uncommon occurrence, when a robbery has been committed, to send the stolen property to a distant place, but the prosecutor is often too poor or unwilling to add to his loss the cost necessary to trace the property or pursue the thief. In all cases of felony, fraud, or other cases involving dishonesty, these expenses ought to be charged to the local authority, and a portion repaid by the Treasury.

Although there are many failures to bring to justice persons suspected of stealing and receiving goods through the want of additional power and protection of police, yet I think what is of even greater importance is that means should be afforded by the different police authorities to extend the knowledge of the criminal classes amongst the police of all large cities. I would recommend a system of interchange of detective officers by different towns which I will as briefly as possible endeavour to explain. There are here sixteen detective officers, two of whom are posted at each of the five divisional stations; one of these officers from each division might be interchanged with one officer from five distant towns, so that Birmingham would receive the advantage of the five detectives from those places, while they would have the benefit of our detectives' experience. Each officer should be detained for a longer or shorter period, according to the size of the town to which he had been sent. Further changes might be made from time to time by recalling these officers and sending others, until the whole of the

staff had been changed. By such a method the detectives of all these places would become acquainted with the thieves and suspicious persons in each of the towns they had visited.

Such an arrangement would not entail any great additional expense. The increased detections of criminals and the improvement in the general efficiency of the detective forces would far outweigh any monetary consideration which might be involved.

The migratory character of the more expert and desperate burglar demands that some such measures as I now recommend should be adopted.

The general experience of the chief officers of police, I have no doubt, is much like my own with regard to the manner of committing the more serious offences of burglary, shop, and warehouse breaking. Local thieves arrange for attack, and then send for a gang from a distant town, who break into the premises, and when successful the local man has his share of the stolen property, or an equivalent for the part he may have taken. It is well known that in cases of large robberies the local thief very rarely engages in the actual breaking and stealing. These cases are not of rare occurrence. Only last year a gang of thieves were sent for to this town to commit a daring robbery at one of the large jewellers' shops. They were successful in their errand, and carried off a large number of watches and a quantity of jewellery, together of the value of 1,000*l.*

If such a system had been in operation as above suggested, the probability is that the thieves would have been seen by our officers who had been on duty in the town from whence they came, or the officer then on duty here from that town, and the robbery perhaps prevented or the crime detected.

The value of the employment of detective officers from a distance is shown by the fact that the chief officers of police apply for the services of one or two detectives from all the large centres on the occasion of 'Royal visits,' race meetings, and other large gatherings. This system of interchange, if adopted, would, in my opinion, create a greater interest in the cases by the police when committed in distant places in which they had been stationed; the feeling on the part of the officers of assisting each other would be increased, and the service would be benefited and improved.

Another matter may here be mentioned as a serious drawback to the proper administration of justice and punishment of old offenders. I mean the absurdly inadequate

allowance made by the Treasury to police officers when required to attend and give evidence against a prisoner in a distant town. I am strongly of opinion that many officers deliberately refuse to identify a prisoner by means of his photograph, because they are well aware that if they do so, they would have to attend a distant court to prove the previous convictions at a loss they are not in a position to bear. I need not do more than state that the allowance is 1*s.* 6*d.* per day and 2*s.* per night, and that within the last few weeks one of my detective officers attended the Central Criminal Court to prove a previous conviction at a loss to himself of 32*s.*

In conclusion, I must apologise for the disjointed way in which I have presented the subject to you; but as my time of late has been very much occupied by other important matters, I have not had the leisure at my disposal to do that justice to the subject which it deserves. It may be said that I have looked at the subject too much from a police point of view; but if the suggestions made will attract such attention as will lead to a careful consideration of the remedies desired, I shall feel that I have been repaid for the trouble I have taken in explaining my views.

On the Same.

By J. A. Telfer, Trustee of the Metropolitan Pawnbrokers' Protection Society.

In accepting the invitation of the Council to take part in opening the discussion on the best means of diminishing the traffic in stolen goods, I place myself in a somewhat difficult and unpleasant position, inasmuch as I represent a trade which has from time immemorial been intimately associated in the public mind with the reception of stolen property.

Believing, however, that I have truth and justice on my side, I intend frankly to accept this position, and shall venture, at the close of my paper, to plead the cause even of the thief himself. I should not think of attempting this task before a general assembly of persons merely wishing to be amused. But there is before me an audience composed of people who are anxious to think out the question before them, and it is to these that my observations are offered, as those of a practical man of some considerable experience, who, as a custodian of valuable and stealable property, is

perhaps more deeply interested in the circumvention of thieves than the average citizen has any reason to be. Having made these few preliminary remarks, I propose to deal with the subject in the following order—viz., to consider

1. The proportion which stolen property bears to the wealth of the community.

2. The inquiry lately made by a Select Committee of the House of Lords on the 'Stolen Goods Bill.'

3. The extremely small proportion which stolen pledges bear to those of honest persons.

4. The 'second-hand dealers' and their methods of traffic.

5. The causes of theft, and methods of diminishing it.

First, then, as to the proportion which stolen property bears to the wealth of the people. I will confine my remarks to the Metropolis, as that is the place with which I am more particularly acquainted.

In the metropolitan police lists of articles lost or stolen during the month of July 1884, which I have taken as the latest information, and probably a fair sample of the reports, I find that 1,673, or an average of 54 per day of articles presumably in the possession of private persons, appear to have been stolen within the metropolitan district. I do not claim exactness for these figures, because it is not probable that every trifling article which persons may lose would be reported, and some articles without distinctive features are probably omitted purposely by the compilers of the lists; while, on the other hand, it sometimes happens that the account of one article may be repeated on different days. In the lists which I have counted, the description of one prominent article, a bracelet, happens to be repeated three times. I therefore offer the result of my counting merely as the nearest approximation to fact that lies in my power.

As regards the number of portable articles among which these thefts are committed, I am not aware of any means of arriving at even approximate figures, and must therefore confine myself to laying before you a few facts which go to prove the number to be almost beyond imagination.

London is said to contain nearly 5,000,000 of inhabitants, occupying a space of nearly 700 square miles, and inhabiting more than 700,000 houses. Not only is this amazing population continually and rapidly increasing, but the individuals composing it are also advancing in wealth and luxury, as is evidenced by the amelioration of their

household conditions, their dress and the ornaments which they wear. Persons of the middle class are constantly seen in the streets wearing valuable jewellery in a manner which was not dreamed of even twenty years ago, while the intrinsic value of the articles worn is considerably greater than was formerly the case. Among the families (surely not much less than a million in number) who occupy the 700,000 houses within the Metropolitan district, articles of more or less value lie about at the command of servants and others in a manner which gives very great facilities for misappropriation. I recollect hearing it stated at a trial which occurred some few years ago, that the waiting-maid of a noble lady had free access, not only to the whole of her ladyship's wearing apparel, but also to a drawer which contained jewels and ornaments of the value of upwards of forty thousand pounds. This is probably an extreme case; but I can say from experience that articles more or less valuable are allowed to lie loose about the bed-rooms in a great many middle-class (and even poor) households, and my conclusion is that the number of articles stolen is very infinitesimally small compared with the opportunities for theft which exist.

I am supported in this argument by an authority in whom many persons place great reliance, viz., Mr. C. E. Howard Vincent, who, in the 'Report of the Commissioner of Police of the Metropolis, 1882,' says (page 8) that London 'is the safest capital for life and property in the world.'

I contend that if this be so, there can be no very pressing necessity for drastic legislation, especially if such measures as are proposed are in danger of inflicting grave inconvenience on large numbers of innocent people.

Most persons in the conduct of either their business or private affairs would have felt inclined, under such circumstances, to 'leave well alone,' but Her Majesty's Government, actuated by a laudable desire to approach as nearly as possible to a Utopian degree of perfection, introduced to Parliament in the Session of 1881 a Bill to amend the already exceptionally strict law relating to pawnbrokers, and also to place the dealers in second-hand goods under new and oppressive restrictions. The Pawnbrokers Act having been carefully and laboriously reconstructed so lately as 1872, the members of the trade immediately combined to resist any further encroachment on their liberties, and succeeded in having the proposed Bill referred to a Select Committee of the House of Lords. Before this Committee Mr. C. E. Howard Vincent, the then Director of Criminal

Investigations, appeared to support the oppressive enactments proposed, and in order to do this he gave a very sensational account of the manner in which a number of pawnbrokers were said to have assisted thieves to dispose of their plunder, and also to have refused or neglected to give assistance to the police. Seven cases were brought forward as a sample of an indefinite number, and a *portion* of the facts with regard to each was circumstantially related with telling effect, the individual pawnbrokers concerned being denoted by initials only, and their alleged misdoings were made the pretext for the oppressive regulations and Draconic penalties contemplated by the Bill.

Immediately after the delivery of this attack the Trade Committee which had been organised applied for the names and addresses of the implicated pawnbrokers, in order that they might have an opportunity of offering a defence against imputations which were felt to be of the most painful character. I cannot describe the chagrin that was felt when this simple and obvious piece of fair-play was denied. But the pawnbrokers were determined to sift the accusations, if possible, and in a few days, by the exercise of some ingenuity and diligent inquiry, they succeeded in identifying several of the accused tradesmen, and in obtaining from them explanations which entirely altered the aspect of affairs, and exonerated the alleged culprits from the misconduct laid to their charge.

Their Lordships were good enough, near the close of the inquiry, to listen to these explanations, with one exception. The cases, with such explanations as were permitted, are reported in the 'Report from the Select Committee of the House of Lords on the Stolen Goods Bill, August 25, 1881,' and therefore I need not now trouble you with the details.

I regret to say that no apology or acknowledgment has hitherto been made by the police for these unjust attacks and misrepresentations. The Bill came from the hands of the Select Committee altered, as many of us thought, for the worse. Stung by a sense of injustice, the pawnbrokers redoubled their exertions, and have succeeded up to the present time in resisting the legislation with which it was proposed to degrade and oppress them.

It will be appropriate here to recapitulate just a few of the facts which have been elicited from time to time with regard to the relation of the pawnbroking business as at present carried on, to stolen property. There is no dispute as to the fact that pawnbrokers are occasionally made the

medium for disposing of stolen property. But while the business is a very large and important one, the transactions which occur being incredibly numerous, it has been found that the proportion of stolen to legitimate pledges is only about 1 to 14,000, and that the pawn-ticket, which is invariably given on the deposit of a pledge, is almost always the means of detection.

A new and most important addition to the statistics respecting pawnbrokers and stolen property was placed in the hands of the Select Committee, in the shape of a return made by twenty-six of the principal London and country auctioneers (Report, page 233) of 'the total number of lots, consisting of forfeited pledges, sold by them during the past five years, and the number of such pledges identified and claimed as stolen property by the police or the public.' This return was prepared in order to combat the suspicion that large quantities of stolen goods were left unredeemed with the pawnbrokers. It was ascertained that they had sold in the five years the extraordinary number of 6,429,624 unredeemed pledges, and that of these only 23 had turned out to be stolen. The proportion of these being but one in 279,548, effectually demonstrates that the stolen pledges so left are even fewer than the most enthusiastic defender of pawnbroking could possibly have expected.

I will not venture on the tedious task of recapitulating more of the statistics and arguments by which the pawnbrokers have convinced themselves that their trade is remarkably free from the reproach of encouraging thieves. The whole question has been thoroughly thrashed out, the process and its results being recorded in the 'Report and Minutes of Evidence, 1870,' and the 'Report and Minutes of Evidence, 1882,' both of which volumes were exhaustively treated in the *Quarterly Review* for April 1883, under the head of 'Pawnbroking.'

Assuming, which anyone who has studied these authorities will allow me to do, that the amount of stolen property which comes to the pawnbroker is relatively very small, I claim for him the protection of the maxim, 'De minimis non curat lex,' believing that the imposition of further restrictions would injure the interests both of the pawnbrokers and their clients to a degree utterly out of proportion to the small amount of reduction that could possibly be made in the stolen goods traffic.

Following naturally upon the pawnbroking division of our subject comes the consideration of the relation which

second-hand dealers bear towards the question under our notice. In 1872 this was exhaustively and severely dealt with by the late Mr. George Attenborough before this Association. Among other things, Mr. Attenborough cited the numerous advertisements which appeared daily in the newspapers inviting consignments of goods, and also related how he had tested the method of purchase and sale by sending articles to which a suspicious appearance had been purposely given. These were purchased without inquiry of any kind, which induced him to come to a very decided conclusion in favour of special legislative attention to this kind of traffic.

I do not know of anything fresh that can be added to the facts which were laid before the Association on that occasion. The advertisements have gone on uninterruptedly during the fourteen years that have since elapsed, and there can be no doubt that a large legitimate trade has been done by their means, and that the convenience of large numbers of persons all over the country has been served; and it remains to be proved that thieves make use to any great extent of this very hazardous means of disposing of their plunder. I consider it hazardous because it necessitates the giving of a real name and address to which the money should be sent, and if, by an unlucky chance, the dealer were to have his suspicions excited, and to act on those suspicions, the thief would be detected with absolute certainty.

I therefore feel that perhaps even this apparently reckless trading is not really so dangerous to the public as it appears on the surface to be. It should be borne in mind that no statistics respecting this kind of trade have ever been produced, and that its cause has never been pleaded by any one practically acquainted with its working. Therefore any conclusion that we may come to is necessarily *ex parte*, and therefore unsafe, especially as it is founded merely upon our hypotheses as to what, in our opinion, might probably happen under the circumstances.

The remarks which I have laid before you on this part of the subject are necessarily wanting in the precision with which my own trade can be treated of, but I think they have the effect of showing that we are not in a position to affirm that the second-hand dealer, with all his apparent laxity, is really so mischievous a member of the community as he at first sight might appear, and that consequently legislators should pause before bringing the steam-hammer of penal legislation to crack what, after all, may be only a nut.

I will now draw your attention to that very dangerous

person, the wilful receiver. If we may believe the report of the police in 'Judicial Statistics, 1882, page viii.,' there are in England and Wales about 1,179 'receivers' of stolen goods, and if this be so it would necessarily require an immense amount of plunder to furnish each one with sufficient business to qualify him for the title, thus accounting for a large number of the articles which are annually stolen and never recovered. This is the only class whose transactions with stolen goods can be properly described as a 'traffic;' those of the other classes being merely occasional and inadvertent accidents, and not of the nature of regular business. It is therefore the 'receiver' who claims the closest attention from us on the present occasion, and we must be careful to make ample addition to the above estimate on account of the number of unknown and unsuspected 'fences' at which stolen property is disposed of.

It would evidently be in the last degree unwise for a business of this kind to be carried on in premises openly devoted to second-hand trade, to which the attention of the police is constantly directed, and it is well known that in the great majority of cases some entirely different trade is carried on as a blind. And this constitutes the greatest difficulty in dealing with the 'fence;' in fact, special legislation must be utterly useless in so secret a matter, and we must rely either on the treachery of confederates or the occurrence of some fortunate accident which may attract attention to the culprits.

It will be evident to all who have listened to me that my arguments are intended to show the comparative hopelessness of the repressive and harassing legislation by which it has of late been the fashion to endeavour to diminish the traffic in stolen goods. But I do not intend to conclude with a *non-possumus*, and to treat the question before us as a hopeless one. My contention is that we should continue to direct our endeavours more and more to the root of the evil, instead of merely considering the symptoms and evidences which float on the surface. It may be that in some cases persons are actually born with an inclination to steal rather than work, but such cases are few and far between. The healthy and capable man has a natural pride in being honest and independent, in being able to pay his way, and perhaps occasionally to help a weak brother. But the ignorant man, who is hustled aside by his educated neighbour; the weak, sickly man, whose strength has evaporated in the stifling air of a London slum; or the discharged convict, against whom every

path of honest labour is closed—these are the people with whom it is our difficult task to deal; these are the greatest promoters of the traffic in stolen goods.

Ignorance, bodily incapacity, and the loss of character resulting from conviction for crime, are the tap-roots which principally nourish the harvest of crime. Society has awakened to the necessity of educating the ignorant, of ameliorating the physical condition of the poor, and last, but not least, of befriending and helping the discharged convict; and the 'criminal classes' are by this means gradually but steadily decreasing. Their numbers are reported in the blue-book entitled 'Judicial Statistics, 1882,' as having been 46,877 in the year 1871-2, while in the year 1881-2 they had decreased to 38,966, thus showing a decrease of 17 per cent. in the decennial period; and, in concluding my paper I would appeal to you whose presence here is sufficient evidence of your philanthropic zeal, to seek to deal with our erring brethren rather by the helping hand of mercy than by the cruel sword of justice. You may thus largely reduce the number of those who are driven to theft by necessity, and the effect of this must also tend to draw even the viciously inclined towards the paths of honesty and uprightness, and so contribute to the comfort and happiness of the community while diminishing to a large extent the 'traffic in stolen goods.'

DISCUSSION.

Mr. A. H. Safford (Hon. Secretary of the Section) congratulated the section on having had the subject for discussion placed before it in so scientific a manner. On the one hand they had had an opportunity of hearing the views of one of the police force in England, and on the other the opinions of the pawnbroking community. After nearly thirty years' experience in dealing with thieves, police, and pawnbrokers, he could not agree that pawnbrokers should be licensed by justices. The great majority of pawnbrokers had embarked large sums in their business, a fact which was, of itself, a security for their good conduct. The loss of trade resulting from a conviction would be one of the severest punishments they could suffer. There might be a power given to magistrates to authorise police officers to inspect pawnbrokers' books, but he would be sorry to see the police permitted to exercise such powers without magisterial authority. It might be a temptation to the police to levy black mail upon the pawnbrokers. No tradesman could ever attempt to carry on his business if he were constantly liable to have his books overhauled by a police constable. There would be great difficulty in the way of inflicting penalties upon pawn-

brokers for not giving information respecting articles of which a description had been furnished them by the police, because it would have to be proved that there was a wilful suppression of facts, and also that the police had given an accurate description of the article in question. Mr. Farndale and Mr. Telfer were agreed upon one point, namely, the registration of dealers in second-hand property; and that step, if carried out, would be very valuable. Dealers in second-hand property were people living from hand to mouth; they bought for a shilling and sold for ten shillings; they did not give that security to society which was given in the case of men who embarked a large capital in their business. It was desirable to increase the powers of the police with regard to right of entry and search. The chief officer of police should have authority, in cases where he had reason to suspect that goods which had been stolen or obtained by fraud were in the possession of a trader, to grant a search warrant immediately. The restriction of that power to the person of the chief officer would meet the views of the police, and, at the same time, be a sufficient guarantee to the community. There was too great a tendency on the part of both magistrates and police to look upon pawnbrokers as receivers of stolen property. The less efficient the policeman or magistrate, the more inclined was he to take that view. But if magistrates and police would only start with the belief that pawnbrokers, as a class, were endeavouring to do their duty—and in the metropolis they had done their duty—they would get much more ready assistance from them. One point was especially hard upon them. In cases in which stolen property had been pawned, a pawnbroker might attend the courts from day to day and be at an immense amount of trouble, and, in the end, might think himself lucky if the magistrate simply ordered a return of the property, and he got his expenses. And what were his expenses? A shilling for four hours, and eighteen pence for any time under six. Was that an inducement to any man of ordinary common sense to go out of his way to give information? In London the system was generally adopted of allowing persons who found lost property five per cent. of the value of the article recovered. If something of that kind were done with regard to pawnbrokers, it would render them much more ready to give information to the police respecting property suspected to have been stolen. It is a common assumption that robbery, burglary, and larceny are the prevailing crimes. Not so. The whole system of crime in England had changed during the past thirty years. There was a smaller amount of robbery and violence, but a much larger amount of fraud which ought to be repressed. It was not the purchase of small quantities of goods, but the advertising for large consignments which were purchased without inquiry, which ought to be put down. Advertisements appeared in the Birmingham papers soliciting people to send goods up to traders in London whom the London police knew were not respectable. There ought to be some power by which, without being amenable to the law of libel, the police of the various towns should be able to furnish lists of suspected traders who were supposed to be dealing with people in other towns, and these lists should be open to public inspection. Then if tradesmen, after being

warned, chose to send their goods to such people, they should take the risk.

Colonel RATCLIFF (London) was persuaded that if the suggestions advocated by Mr. Farndale were adopted, the detection of crime would be rendered speedy, and a method resorted to by thieves for disposing of their goods would be checked. It was the general impression that the pawnbroker and the marine-store dealer were the two great receivers of stolen goods. (No, no.) If the Government would establish in the various towns pawnbroking offices similar to the institutions of La Piété, honest people, who were driven to pawn articles from necessity, would be able to get the few shillings they required, while thieves would be deprived of the temptation to resort to pawnbrokers' shops.

Mr. N. NATHAN (Birmingham) considered legislation at the best a perilous medicine to administer to the body politic, and legislation, when not of the best, was sometimes a terrible poison. Pawnbrokers had been the objects and victims of a good deal of legislation for years past, from which little good had resulted. Those who had had experience in courts of justice found that, as a rule, pawnbrokers came forward to give information, certainly not with vehement alacrity, but, at the same time, in by no means a contumacious spirit; and that they were not insensible to the value of having a good reputation in the towns in which they carried on their business. In the interests of the liberty of the subject he should be afraid to put into the hands of even the chief constable of police the power of granting a search warrant against any house he chose to suspect. There should be a fund at the disposal of the police to indemnify them against the results of actions at law for an unsuccessful, and therefore illegal, search.

Mr. ALFRED HILL (Birmingham) agreed with Mr. Telfer and Mr. Nathan that pawnbrokers, as a rule, were a respectable body, and gave every assistance to the police. A great anomaly in the law which required alteration was the power possessed by those pawnbrokers who were in business before the passing of the Pawnbrokers Act, of assigning their businesses without the assignee requiring to be licensed. At present a man could be convicted for receiving goods 'knowing' them to have been stolen. That should be altered into 'believing' them to have been stolen. Such a change would greatly facilitate the operations of the police.

Mr. D. SOUTHALL (Birmingham) feared that Mr. Farndale's suggestions, if carried out, would have the effect which neither the intelligent part of the public nor of the police desired, namely, that of driving respectable persons out of the pawnbroking business. The large amount of capital invested by pawnbrokers in their business was the best security that they would conduct their operations on trustworthy principles. The figures quoted by Mr. Telfer showed that very few stolen articles were disposed of at the pawnbroker's. Was not the knowledge that they might be compelled to restore stolen articles without compensation, a sufficient incentive to respectable pawnbrokers to exercise every possible caution in taking in articles under questionable circumstances? The restrictions upon pawnbrokers were

sufficiently severe, and anything like harassing legislation was to be deprecated. No respectable person would remain in a business in which he was liable to have a police officer demanding to inspect his books at all hours of the day. Nor would it be wise to intrust police officers with such a power of venting their spleen upon any pawnbroker who had chanced to make himself objectionable to them.

Mr. J. D. Goodman (Birmingham) said the meeting must not be carried away by Mr. Telfer's statistics, because they were taken from what was confessedly the safest capital for life and property in the world. Mr. Telfer showed that the amount of property stolen was very small in proportion to the wealth of the community; but the fact remained that the amount of stolen property, considered by itself, was very large. Therefore they had to consider what increase of powers could be safely given to the police to enable them more efficiently to protect the public from these robberies. Considering the rapidity with which thieves could change the form of stolen property beyond recognition, or get rid of it altogether, a more rapid means on the part of the police for instituting a legal search was clearly necessary. An increase of power in that direction might safely be given to the chief officer of police, provided it was understood that no subordinate was allowed to use it without the instructions of his superior.

Mr. J. Farndale, in reply, said that in Birmingham the police received every assistance from the majority of the pawnbrokers, but it was to enable them to deal with the minority that he asked for additional powers. He not only agreed that it would be unwise to allow *any* police officer to make an inspection of a pawnbroker's books, and did not suggest it, but was prepared to concede that that inspection should only be made after an order by a magistrate, if the other proposed provisions were granted. He had carefully considered that question since writing the paper, and had come to the conclusion that if a pawnbroker were made liable to a summary penalty for taking in goods after an accurate description of them had been served upon him, or, if they were in his possession at the time of receiving such description, and he did not disclose them, then the power of inspecting a pawnbroker's books would not be so necessary. Mr. Telfer would perhaps agree with him that the police gave to pawnbrokers the most accurate descriptions they could get of property which had been stolen. In Birmingham such descriptions were always given in writing, and he thought that practice prevailed elsewhere. Magistrates ought to have more power over pawnbrokers than they had at the present time. They had at present no means of punishing them if they failed to render proper assistance to the authorities; they could only be proceeded against by indictment for receiving stolen goods. Mr. Nathan's suggestion of an indemnity fund was, in effect, adopted in Birmingham, where it was the custom of the Watch Committee, if they were satisfied that an officer, in making an unsuccessful search, had acted with discretion, to indemnify him against damages and costs in any action which might be brought. Reference had been made to long-firm trading. It was surprising in how few instances was it possible to lay

information against long-firm offenders. The carelessness of traders generally afforded great facilities for this class of offence.

Mr. TELFER, in reply, said that his figures, showing the small proportion which stolen articles bore to the number of pledges taken by pawnbrokers, were not, as Mr. Goodman supposed, taken from the most favoured spots in the kingdom, but from all parts of the country, including Birmingham. During the five years mentioned in his statistics, four auctioneers in Birmingham had sold 498,000 lots of unredeemed pledges, and out of this number *not one* was discovered to have been stolen. He objected to Mr. Farndale applying the term 'black sheep' indiscriminately to the pawnbroking class, and not stating specifically whom he meant. He himself had told a Select Committee of the House of Commons that in the course of his long experience in the trade he had never known one. Mr. Farndale had insinuated that pawnbrokers as a rule refrained from giving information with regard to stolen property which had been pledged with them, because they knew that the court would be likely, on conviction of the thief, to order the restoration of the property without compensation to them. That was a very unjust accusation to make. But even if there were good grounds for it, Mr. Farndale's own words showed that the police were not much readier than the pawnbrokers to volunteer information when it was not to their interest to do so. Mr. Farndale had given it as his opinion that many police officers deliberately refrained from identifying criminals by means of their photographs, because the payment of their expenses in going to distant courts to do so was not conceived upon a sufficiently liberal scale.

Mr. FARNDALE explained that he used the term 'many officers,' not necessarily meaning police officers. Previous convictions and cases of identity were often proved by gaol officers as well as police officers.

Mr. TELFER, continuing, said that in the cases which Mr. Farndale had cited, where pawnbrokers had apparently concealed stolen property from the knowledge of the police, they had only heard the police side of the question. The pawnbroker's account would in all probability put a different complexion upon the affair. He did not approve of the practice of pawnbrokers, who were in business at the time of passing the Act of 1852, disposing of their business to assignees, although the Act specially empowered them to do so. But Mr. Farndale had not shown that the persons admitted to the pawnbroking ranks by this means were of bad character; and therefore he did not see that any harm resulted from the practice. If police officers, even though of not lower rank than that of sergeants, were allowed to inspect pawnbrokers' books, it would lead to people, who required to raise money by pledging articles, doing as they did in Scotland, i.e., giving false names and addresses, in order to avoid having their affairs gossiped about. It would be impossible to carry out the idea of inflicting a summary penalty upon pawnbrokers for failing to give information of stolen goods in their possession after a description of such goods had been served upon them. According to the figures he gave, the number of such articles in London was upwards of 20,000 in the course of the year. These were contained in about 300 separate lists. It was a

common practice for pawnbrokers to take in a hundred pledges an hour. Could they be expected to look at three hundred lists to see if any of these pledges had been stolen? That question was thoroughly threshed out before the Select Committee, but was found to entail such an enormous amount of inconvenience that Parliament declined to authorise it. For pawnbrokers to enter in their books descriptions of marks upon articles taken in by them would be seen to be a very difficult thing by anyone who tried to describe in writing all the articles about his own person. With regard to furnishing lists to the police of articles about to be disposed of, he knew several auctioneers in London who were in the habit of furnishing the police with such catalogues; but Inspector Williamson, of the detective force, had confessed that the police never examined them—it was too difficult. The police were always asking for an extension of their powers, and, no doubt, they thought that if their powers were extended they would be the better able to perform their duty. But there was always an element of risk in increasing the powers of the police, and, as shown in the case of France, if allowed to get too much power, they made very bad masters. The establishment of an indemnity fund, to hold the police harmless against the consequences of making an illegal search, would be a deliberate encouragement to them to break the law. If the law was bad, let it be altered; but to encourage the police to break the law would certainly have a demoralising effect upon the force. The inability of the police to enter a man's house without a magistrate's warrant was one of the greatest safeguards of the liberty of the subject.

The Chairman (Sir Wm. Vincent) gave great credit to Mr. Telfer for the zealous way in which he had stood up for the honour of his profession. That gentleman was very anxious that it should not be supposed that his profession required special legislation. No profession approved of special legislation for itself; but Mr. Telfer was perhaps a little too sensitive on the point. It did not follow that, because legislation was directed against his profession, a slur was thereby cast upon it as a profession. The legislation was called for, simply because that profession happened to afford exceptional openings for the disposal of stolen property. Mr. Telfer based his estimate of the small number of thefts committed upon the small number of inquiries made after stolen property. But hundreds and thousands of thefts were committed about which no inquiry was made, simply because when they had lost their property people often did not care to give themselves any trouble about it, or to incur the expense involved in an investigation. Nevertheless considering the way in which articles of value, ornaments, &c., were left about our houses, it spoke very highly for the honesty of our servants as a class that so very few thefts were committed. He hoped the discussion would lead to all pawnbrokers standing up like Mr. Telfer for the honour of their profession, and doing all in their power to assist the police, and prevent thieves finding through them an opening for the disposal of stolen property.

THE LAWS FOR ENFORCING SCHOOL ATTENDANCE.

The Laws for enforcing School Attendance as carried into effect under the London School Board, together with certain Remedies recommended in the Report of the Royal Commission on Reformatory and Industrial Schools. By MISS DAVENPORT-HILL.

THE Royal Commission appointed in March, 1882, to inquire into, and report upon, Reformatory and Industrial Schools says: 'In considering the question of juvenile crime in England and Scotland, we were strongly impressed by the effects, both direct and indirect, which might be expected from the recent legislation making education compulsory during the years of childhood. The direct effects of this measure were already felt in removing large numbers of children from the street to the school, and from temptation and evil associations to a scene of order, discipline, and moral and intellectual improvement. Its indirect effects were visible in the correctives applied by means of Truant and Day Industrial Schools, in several of our large towns, to the evils arising from a large population of children of poor, or negligent, or vicious parents, being themselves often wilful and perverse and incorrigible absentees from school. We could not but indulge the hope that by these means a large number of children might be reclaimed who would otherwise find their way to the Industrial or Reformatory Schools.'[1] I have been asked to lay before this Congress the use made by the London School Board of the compulsory powers of which the Commission speaks, and the results which have followed, so far as these can be ascertained.

The word compulsion conveys a disagreeable impression to the minds of most English men and women. We dislike to be compelled to do anything, though we are ready to admit that the only means of insuring the performance of duties, the neglect of which will inflict injury on the community, is to render such performance compulsory. To the enlightened and well-conducted, indeed, such compulsion is no evil; it presents itself in a punitive form only to those who care neither for their own nor their neighbour's welfare. That without compulsory powers it would be impossible to bring in to school the children of parents of this class is abundantly proved by the experience of the London School

[1] Report of the Commissioners, London, 1883, p. lxiii.

Board, confirmed by the opinion of its officers appointed to carry into effect the rules enforcing attendance. In the year 1870 the idea of compelling attendance was new in this country. The Government were, therefore, wise in not making it at once obligatory. The first Elementary Education Act left each School Board to exercise its discretion in this matter. Obligatory compulsion became the law throughout the kingdom by the Act of 1876. As no effort has been made to repeal the compulsory clauses of this Act, we may assume that the nation has not only adopted the principle, but that the law has not been unjustly enforced. Nevertheless, a certain amount of reluctance to compel school-attendance upon children, especially when of tender age, exists among us; but it is chiefly found among those who have never come into contact with the class of parents who habitually neglect their offspring, but who, we must hope, when a generation shall have learned to appreciate the benefit of education, will be even anxious to secure for their children its advantages in as large, if not a larger, degree than they themselves have enjoyed. Then the necessity for compulsion will, if it do not cease altogether, at least be limited to that small portion of the community who wilfully resist those influences which lead the majority to do their duty both as parents and citizens. Meanwhile we must not forget that if it be our right to enforce this law, it is no less our duty to render our schools as good as it is possible to make them. A thoroughly good and therefore attractive school affords the most potent means of overcoming the neglect of the parent or the love of truancy in the child. The purpose of this paper, however, is not to justify compulsion, but to deal with its results within the area under the jurisdiction of the London School Board; but prior to laying these results before you, it seemed to me right to try to show that it is only because essential to the common weal that we pursue a course involving interference between parent and child.

The Education Act of 1870 left the Committee of Council to decide, after due inquiry, whether or not School Boards should be created in the provinces; but so patent was the need—although I believe underrated—for school accommodation in the metropolitan area that the Act required a School Board for London to be immediately elected, and directed that it should at once proceed to supply the lack of elementary schools. But while providing school accommodation, the London Board quickly arrived at the conclusion

that they must adopt compulsion. Before, however, framing the necessary code of by-laws 'in order to familiarise the inhabitants of London with the idea, it was necessary to take evidence, bring up reports, and to discuss the question in public. Some time, too, was necessary with such a population as that of London not only to frame the by-laws (which was comparatively a simple matter), but to draw up a scheme for the necessary machinery.'[1] The compulsory powers were put in force in the spring of 1872, and by midsummer 1873 the average school-attendance had increased by 42,739. This large accession of scholars is partly accounted for by the additional school accommodation the Board had provided; but it was held by those cognisant of the facts at the time to have been chiefly due to the exercise of compulsion.

How compulsion is exercised I will now explain. London is, as you know, divided into ten Parliamentary boroughs. A similar division has been adopted for returning members to the School Board, the proportion to each borough depending partly on its wealth, partly on its size and the number of its inhabitants. The members for each division, as the borough is called for School Board purposes, manage within certain limits their own affairs themselves. Each division has its 'superintendent,' with a staff of officers called 'visitors' under his control. The visitor, having ascertained the name and address of every child of school age in his district, uses his best efforts to persuade the parents of those who attend school irregularly, or not at all, to send them with punctuality. When these efforts fail, he reports the case to his superintendent, and serves on the parent a printed notice (technically termed 'Notice A'), warning him that in not sending his child regularly to school, he is committing a breach of the law. In a large number of cases this warning suffices—at least for a time. Where it fails, a second printed paper is issued—'Notice B'—which instructs the parent to appear before the Divisional Committee (a body composed of the divisional members, and of other ladies and gentlemen appointed by the Board to assist them) and account for his children's absence from school. 'Notice B' meetings are held at various schools in each division, to render attendance before the committee as little inconvenient to the parents as possible. It is the mother generally who

[1] School Board for London. The Work of Three Years, December 1870 to November 1883.

comes. After hearing her story, the committee may allow a further period of grace; or (as happens in the majority of cases) direct that the parent be summoned before a magistrate unless he at once obey the law. The Divisional Committee not unfrequently has to consider applications from parents who desire their children altogether excused from school-attendance or made half-timers. In either case certain conditions must be fulfilled; the visitor may know that this is done, but he has no authority to grant the application. He therefore refers the case to the committee, desiring the parents to attend for explanation, and according as this is satisfactory or not the request is granted or refused. A parent may plead poverty or illness as causes of non-attendance. The visitor doubts the truth of the plea; he therefore refers the case to the committee.

Again, the child is within school age, and has not reached a standard sufficiently high for exemption, but he is the eldest son of a widow, and his earnings are urgently needed for the support of his younger brothers and sisters. Though, strictly speaking, the law gives us no discretion, such a lad must be excused. Here is another case. A boy of twelve years old is only in Standard II., but he has no taste for learning, and has gone of his own accord to work. The law directs that in such cases the Board shall serve a notice on his master, warning him that by employing the boy he is rendering himself liable to a fine. But the lad is steady at his work, and he hates school. We cannot force him to learn; we may deprive him of his employment, but in so doing we should in all probability drive him into the company of the idle and the dissolute, and ruin him for life. We must let him take his own course. No magistrate, indeed, would fine in either of the foregoing cases, and it is obvious that every dismissal of a summons increases the difficulties we encounter in enforcing attendance on others who can plead neither reason nor excuse for exemption. At the same time we must not yield a facile credence to applications, however plausible. They are frequently made by parents who prefer the help their children can afford them to the welfare of their offspring. In all such cases it is extremely difficult to arrive at a right conclusion—to avoid, on the one hand, sinking into the Charybdis of a too easy faith, and, on the other, striking on the Scylla of harshness or positive injustice.

The work of the Divisional Committee is not confined to cases governed by the by-laws; they deal also with those

falling within the provisions of the Education Act of 1876. When a parent has been fined several times without effect, the committee cause him to be summoned before a magistrate under this Act. Here their labours end. If the child is to be further dealt with, it must be by the Industrial Schools Committee.

It is clear that to succeed in promoting regularity of attendance, without having resort to the rigors of the law, the Divisional Committee needs not only patience and discrimination, but some knowledge of the class of parents with whom they have to deal. The introduction of non-official members is a recent revival of a somewhat similar practice which prevailed in the earlier days of the Board, but which fell into abeyance, leaving the divisional members to conduct 'Notice B' meetings alone, the superintendent or his clerk being present in a position analogous to that of magistrate's clerk in a police court. But if the member were absent, the superintendent, or, in case of necessity, even the clerk, had to preside. This delegation of duty, which has somewhat largely prevailed of late years, is open to grave objections. For instance, the superintendent acts as judge at 'Notice B,' and in the same case appears as prosecutor before the magistrate. Again, the absence of the member deprives the parent of the benefit of meeting his legislators face to face, and compels him to receive judgment from their officers. An interview with the parent, moreover, affords the member knowledge, invaluable in framing the by-laws, and further enables him, while he coerces the negligent or vicious parent, to prevent the law from bearing with severity on the purely unfortunate—a discretionary power not easily to be given to the superintendent. On the other hand, the parent discovers that the Board's coercive rules are not framed in ignorance of or in lack of sympathy with the obstacles to his children's attendance at school—obstacles he must remove, but which, in their removal, entail on him no inconsiderable amount of painful sacrifice. For obvious reasons, too, he will receive unpalatable advice, nay, an occasional severe rebuke, with greater profit when the member's duty is not delegated to a subordinate. It is to secure these advantages that the Assistant Divisional Committee has been called again into existence. Its members are invested with certain powers exercised by Board members, and are generally selected from the local managers of our schools, or are persons otherwise known to take an enlightened interest in education. These ladies and gentlemen, having familiarised

themselves with the by-laws, can, by frequent visits to the schools, learn the sources of irregularity of attendance and their remedies, and thus fit themselves to discharge their important functions with efficiency. It may be objected that the system I have described makes too great a demand upon the time of its administrators, and that the number of cases in most of our divisions is so large that they must be rapidly dealt with. Happily, in my own division (the City), the smallest under the Board, and in which, for various reasons, the school-attendance is the best, it is possible to minutely investigate every case. I have no experience of 'Notice B' work in larger divisions. Nevertheless, I venture to think that sometimes a detailed consideration of the case would prevent its reappearance, and thus not only save much time in the future, but, what is of still greater importance, avoid the necessity of a resort to the law.

The number of cases dealt with at 'Notice B' meetings greatly exceeds those actually summoned before the magistrate; these, according to his judgment, he dismisses at once, or he allows a further period of grace, or inflicts a fine. Should the child's attendance be not even thus secured, it becomes the visitor's duty to recommence his portion of the work. If he is unsuccessful, the superintendent proceeds as before—'Notice A,' 'Notice B'—summons—fine—the fine being sometimes increased as the summons recurs. The process is not a rapid one, nor are we able (perhaps we should not be wise to pursue such a course at present) to summon often. We believe, however, that the summons not only affects the particular parent against whom it is taken out, but is also a useful warning to his neighbours. Each application of pressure, it may be hoped, effects some good on child and parent, although its influence may be only intermittent. For a time the children attend, then they relapse, and pressure must be again applied. With some parents a continual struggle is needed during the whole school life of the family to obtain even a fitful attendance. But attendance, however irregular, is better than total absence. I learn too, and this affords a brighter prospect for the future, that parents, even of the lowest class, are beginning to feel that they *must* send their children to school.

For what has already been accomplished I will refer to our latest returns. These show that as yet only eighty per cent. of the children on the roll of the schools are in regular attendance. In other words, of every five children on the

roll one is absent. The average attendance we find has only increased ten per cent. since 1874, but this apparently small increase is partly due to the fact that whereas there were 270,466 children on the roll in 1874, there are now 448,838, which larger number includes children of a much lower class and of proportionate irregularity of habits than were ever reached formerly. Our superintendents indeed believe we have at last succeeded in touching the very lowest; though as yet we have only won from it a meagre and uncertain attendance. If this lowest class were eliminated from our calculation, a much larger increase would be shown than ten per cent. Still this return, coupled with the fact of the greater number on which it is calculated and the belief that we have plumbed the depth of our untaught masses, affords just ground for satisfaction in past labours, though it permits of no slackening of our efforts for the future. We must 'count nothing done while aught remains to do.' Our aim must be that neither negligence or cupidity of parent, nor idleness and love of wandering of their offspring, shall prevent any child from profiting by the best education we can provide.

When a case passes beyond the authority of the Divisional Committee—in other words, when a parent, after having been summoned several times under the by-laws, at last appears before the magistrate under the Education Act, it is in order that a more stringent remedy may be applied. The magistrate orders the child to attend school regularly, and adjourns the case for a month to give time for his order to be obeyed. If the child be still recalcitrant, and if also his home be so bad that it seems vain to expect regularity of attendance, the Industrial Schools Committee of the Board request the magistrate to send him at once to an ordinary Industrial School; and this is always done in regard to girls. But if the home is not so bad as to demand permanent separation, a boy is committed to our Truant School, at Upton House, in Homerton, which like an Industrial School, is under the inspection of the Home Office. The child is committed formally until he attain the age of sixteen; but with the understanding that he will be released on license as soon as he gives prospect of better conduct. Practically the detention at the school has averaged ten weeks. Having been licensed, should he again relapse into truancy, his license is revoked and he returns to Upton House. After a second period of detention he is again licensed. Some of the lads have been returned a third and even a fourth time. But

where this happens, unless the lad is nearly fourteen, we transfer him to an ordinary Industrial School, the boy having shown that the short detention for which the Truant School is alone adapted has not been successful in his case. Out of the 793 lads committed to Upton House, 126 have been thus transferred; one detention, however, has sufficed with more than half the number committed, and their subsequent average attendance at day schools exceeds that of the children who have never been subjected to this discipline. But not unfrequently, the lad we send before the magistrate is not merely a truant pure and simple; he pilfers often from his parents—he stays away from home for days, weeks, sometimes even months at a time; he has been brought home by the police having been found sleeping in a barrel, a market cart, occasionally in a dust-bin; or his parents have been several times sent for to fetch him from the various workhouses in London. In such cases, the only hope for his rescue is to place him for a long period of detention in an Industrial School.

Our system, then—to recapitulate—commences by persuasion; for the diminishing numbers with whom that does not avail, we adopt more stringent measures; while for the comparatively few who still resist, we have recourse to the Industrial School.

During the past year an experiment has been tried to reduce the number of children who infest the markets and the exterior of our large railway stations, especially in the City, offering flowers, matches, or other small articles for sale, and pressing their wares on the arriving and departing passengers, frequently as a means of begging rather than of *bonâ fide* selling—that casual employment, in fact, of which the Royal Commission speaks as 'enabling dissolute parents to live in idleness while the children are overworked,' and often injuriously affecting the health of the latter 'by late hours and exposure to all weathers;' tending 'to throw the child among bad companions as associates, and in the case of girls often leading to prostitution.'[1] These urchins purposely come from a distance to avoid encountering the visitors who know them personally. The police, though they may tell them to 'move on,' do not otherwise interfere, and these children practically set the law at defiance. Formerly the visitor could only admonish in the street, and the child obeyed his warning to go to school or not as he pleased. A year or so ago the Board invested its visitors with power to charge

[1] Report, p. xxxix.

such children under the 14th section of the Industrial Schools Act if milder measures fail. This power is rarely exercised, but if the child persists in his defiance, and if pressure on the parents produces no effect, steps are taken to procure his admission to an Industrial School. The cases thus brought before the Industrial Schools Committee were at first more numerous even than was expected, but they have now greatly diminished in number, and judging from my own observation, as far as the City is concerned, the children have almost disappeared from their former haunts.

There is a remedy for truancy which we in London have not yet tried. This is the Day Industrial School originated forty years ago by Sheriff Watson at Aberdeen. The insertion in the Act of 1876 of a clause empowering School Boards and others to establish such schools, and obtain for them the certificate of the Home Office, was one of the last of Mary Carpenter's efforts on behalf of the perishing and neglected child. By this method, where the truancy is due to the neglect of the parent rather than to the fault of the child, a cure may be effected without breaking up, for however short a time, the family tie, or having recourse to the more costly boarding Industrial School. The Royal Commissioners on Reformatory and Industrial Schools, after considering the evidence laid before them on the benefits conferred on the children, and through them on the public at large, by these institutions, strongly recommend their establishment in all large towns. Until 1881 no power existed for licensing the scholars from Day Industrial Schools, but in that year the Government entrusted the managers with such authority, after a certain period of detention, and further empowered them even to return children to the care of their parents, where the circumstances permit, on condition that they regularly attend an elementary school. The plan has obtained marked success in connection with one of the Day Industrial Schools under the Liverpool School Board. After a detention of usually six months, children licensed to their parents, on undertaking to go regularly to a specified school, have made an average attendance during the five months ending 25th of August, 93 per cent.

In a Day Industrial School the child receives its food. To meet the evil of thus relieving the parent of his natural responsibility, the law directs that he shall contribute towards the child's cost. Chiefly owing to defects in the law, serious hindrances arise to carrying this provision into effect, and frequently parents either contribute a less amount than

justice demands or escape payment altogether. Such defects call for immediate removal. They not only paralyse our efforts, but teach parents that they can rid themselves of their duties by neglecting to perform them. Nor is the difficulty confined to contributions alone. It extends, also, to fines for non-attendance at school. The London School Board—and doubtless others—have not once only, but several times, represented to the Government the evil thus wrought by a particular clause in the Summary Jurisdiction Act. Repeatedly have they urged its amendment, but hitherto without result.[1] In section 76 of the report of the Royal Commissioners, they 'recommend the adoption of a simple and summary process of recovering payment, with the alternative of prompt imprisonment.'[2] Every School Board in the kingdom suffers as we do. Cannot we combine, supported as we now are by the recommendation of the Commission, to put such pressure on the Government that they will be no longer able to defer the reform imperatively required? The authorities of Liverpool, indeed, notwithstanding these grievous defects in the law, have succeeded in making 'the order to pay' exercise a deterrent influence on the parent. There the magistrates, when committing a child to a Day Industrial School, without inquiring as to the parent's ability, order him to contribute the highest sum the law allows, i.e. two shillings a week, directing him, should his poverty prevent, to apply for aid to the guardians of the poor of his parish. In his default these are liable for the payment, consequently they use their utmost efforts to extract it from him. The burden of collecting the money rests on the School Board, while the guardians are the judges of the parent's ability to contribute.[3] The double pressure thus brought to bear is so worrying to the object of it, that, though he may escape payment, the committal of his child is made extremely distasteful to him. Doubtless were the Summary Jurisdiction Act amended, the restraining influence over parents would be still further increased. The loss to the parents of the services of their children during the whole day is another deterrent. The children too find the

[1] Similar representations have been made with regard to the delay we experience in obtaining a hearing for our summonses, owing to the press of business in the police courts, and with like non-effect.

[2] Report of the Royal Commission on Reformatory and Industrial Schools, London, 1883.

[3] Contributions to Day Industrial Schools go into the coffers of the managers (i.e. the School Boards when the school belongs to these bodies), instead of into those of the Treasury, as is the case with Boarding Industrial Schools.

long hours of detention and small allowance of play irksome, nor do they like losing the chance of earning money when the elementary school is closed. Thus is a salutary dread of committal to the Day Industrial School engendered in both parent and child.

The success obtained at Liverpool encourages the hope that Day Industrial Schools might profitably be added to the means already employed by the London School Board for bringing under instruction every child within its jurisdiction. Hitherto the plan has not found favour with our Board. Our Industrial Schools Committee intend, however, to consider the recommendation of the Royal Commission. If, after due deliberation, it should appear to them that obstacles to the success of Day Industrial Schools which only exist in a slight degree in towns small as compared with London, but which assume gigantic proportions in our huge metropolis, can be overcome, they will probably recommend the Board to open such schools. Our superintendents are divided as to their efficacy, some considering that they would promote regularity of attendance, while others have but little faith in their beneficial effect.

At the close of the discussion after the reading of the above paper, the following resolution, moved by Mr. A. Herbert Safford, and seconded by Mr. A. J. S. Maddison, was carried *nem. con.*:—

That the section desires to ask the attention of the Council to the difficulties existing in enforcing small penalties under the Summary Jurisdiction Act by distress, to the increased costs to the defendants incurred by the system, and the obstacle it has been in the working of the Elementary Education Acts; and the section trusts the Council will press upon the Secretary of State for the Home Department that these cases should again be brought within the provisions of the Small Penalties Act.

MISCELLANEOUS.

The following is an abstract of a paper by the Rev. J. W. Horsley, M.A., chaplain of Her Majesty's Prison, Clerkenwell, 'On a recent Epidemic of Attempts at Suicide.' The remarkable outbreak of attempts at suicide occurred in July last, when no less than sixty-one cases came under the writer's notice and care in prison, twenty-five being males, and thirty-six females. The figures for the same month of the four previous years ranged from thirty-seven to forty-five, and the monthly average for those years was between

twenty-nine and thirty. He remarked on this, that longer days meant more time in which to drink in company, hotter days were more suggestive of drinking, the greater abundance of work in the summer meant more money in the pocket, and, therefore, more to spend in drink, September alone being, in London, apparently more moral and sober a month than would be expected, owing to the hop-picking exodus of numbers of those who belong to the criminal or lowest class. The water is naturally more attractive in hot weather. Attempts at suicide do not seem to be largely on the increase when the increase of population was taken into consideration, and a long term of years was put in evidence, but yet it was noteworthy, that in the last three years for which they had the figures as regarded the metropolis, the number of suicides committed had gone down from 284 to 274, and thence to 241, but the number of attempts prevented by the police and others had gone up from 409 to 429, and thence to 504. These numbers might be largely and at once reduced. Suicide was suggested, or made more likely among the foolish and impetuous and the intemperate, by the publication of the details of similar attempts, which could serve no good purpose whatever, and by the fact that the paragraph frequently ended with the words, 'discharged on a promise not to commit the rash act again.' If it became the exception instead of the rule for such offences to escape a period of hard labour, or, at any rate, imprisonment, the number of attempts would at once and to a remarkable extent diminish.

The Rev. E. M. Holmes, B.A., LL.B., read a paper on 'Boarding-out an Aid in the Repression of Crime.'[1] The following is an abstract:—'The child is father to the man;' the nature of his life, when grown up, turns upon the manner of his bringing up. The State is now spending 4,000,000*l.* on the education of the people. It is important that such a sum should be well spent. A *good* education should embrace good training as well as good teaching. And successful training calls for a good atmosphere. What has been done to secure these advantages to the 'children of the State'?

(1.) In *workhouses* they are exposed to contamination from companionship with the adults. The clearest proofs of this were given in the reports of school inspectors, and in the evidence brought before the Commissioners of Education in 1860.

(2.) Various remedies have been sought:—

[1] This paper has been published in full by the author.

1. The establishment of '*separate*' *and* '*district*' *schools.*

But though a great improvement upon workhouse training, these schools have their grave defects.

(*a*) There is still contamination from the mixture of 'casual' children with the more permanent inmates.

(*b*) It is difficult to keep in health such large masses of children as are thus brought together.

(*c*) And there is little room for the fostering of affection between them and those over them.

2. Hence the plan of 'Certified Cottage Homes,' consisting of a cluster of cottages, making, in the aggregate, a little village. These are carried on by some unions under Government sanction; they are due sometimes to voluntary efforts. Some of the defects of the large schools are thus met, but these are still, at the best, 'family life manufactured.'
3. The *Boarding-out system* is therefore also under trial. It consists simply in placing the children in *genuine* cottage homes, not more than four at the most being put under the care of the same foster-parents.

In answer to an appeal made by a committee of ladies in 1870, permission was given to certain large unions to place some of their children under this system outside their own boundaries, to remove them the more effectually from the pauper taint.

This movement calls for extended consideration, for it seems to be strikingly adapted to act as an aid in the *repression of crime.*

(1.) There is no difficulty in finding fitting homes in abundance throughout the country.

1. Miss Joanna Hill, who is well known for her labours in this cause, testifies to that effect in a 'Plea' she has lately published for the extension of the system.
2. Miss Preusser, who has long carried on the work in Cumberland, gives evidence to the like effect in the report of the working of her committee for 1883.
3. In the colony of Victoria the system has been at work for some years; the latest report of its progress there *abounds* with evidence of the strong

affection felt by the foster-parents for the children placed under their care.

(2.) In proof of the success of the system in the repression of crime, reference may be made to its working in *Scotland*, where it has been established for many years.

It has been also carried out in *Ireland* with the same satisfactory results.

In this country it has been under trial for a much shorter period, and to more limited extent; still its tendency in this way is already manifest. The deserted children of vicious parents, when boarded out, turn out at least as well as other children, as they grow up; while those not so treated, as a rule, follow in the steps of their criminal relatives.

All, who can, are asked then to do something to forward a work which bears such fruit.

They should contrast in their minds the lot of an orphan, or deserted child, in a workhouse, or who is simply a *unit* amongst 1,000 or 1,500 others in a great 'district' school, and another such child who is placed under the loving care of foster-parents.

For the better working of the system two matters call for the further consideration of the State:—

(1.) *More thorough system of supervision.*

For though the local committees of ladies do, as a rule, look well after the interests of boarded-out children, they *may* grow careless as time goes on. Additional supervision on the part of the State has therefore been lately asked for by Lord Cranbrook, in an article on 'Boarding-out,' contributed by him to the December number of the *National Review*; and also by Lord Aberdare in summing up, as President, the proceedings of the Conference on the bringing up and education of pauper children organized by the Association in London in March 1883.

(2.) Secondly, better protection of boarded-out children from the interference of their own dissolute relations is also urgently needed. As the law now stands a criminal parent may claim his child after years of loving care extended to it by its foster-parents, and though it may have become ever so dear to them. This is intolerable. In America there are stringent laws to prevent such action; as, for instance, in the States of New York and Massachusetts. The like are imperatively called for in this country.

There was a large attendance on the Saturday, when Mr. Hastings, M.P., made some remarks on the recently issued

report of the Royal Commission appointed to inquire into the management of prisons in Ireland. He said the report was a most important and, in some respects, a disheartening one. In 1874, as chairman of the council of the association, he drew attention to the subject of local prisons in Ireland. Though the condition of English local prisons was at that time very objectionable, it was as nothing compared with the state of mismanagement that prevailed in Ireland. When Sir Richard Cross, then Mr. Secretary Cross, carried his bill, now known as the Prisons Act, he pointedly remarked, at the commencement of his speech, that it was owing mainly to the representations that had been made by their association that he had turned his attention to the subject, and had become convinced that it was necessary to put the management of the English local prisons into the hands of Commissioners appointed by the Government. Then it became necessary to deal with the question of Irish prisons, and exactly the same course was pursued. No doubt considerable advantages resulted in Ireland from that change, not the least being the extinction of a great number of very small prisons, and the reduction in the number of other small prisons known as minor prisons, the residue being retained under the head of 'larger prisons.' In his opinion, a prison could not be maintained efficient in regard to discipline and management unless the inmates numbered at least 200. The average number of inmates of the large prisons in Ireland was only 100, and when they came to the fourteen minor prisons, they found they had each day occupants to the average number of a little over three. There were besides thirty-one bridewells in Ireland, which were kept, he supposed, for prisoners on remand, and those serving short terms, and their daily average was a little over one. There was thus, in Ireland, a want of the circumstances under which it would be possible to carry on efficient prison management. Of course it was impossible to abolish all the small prisons in Ireland, owing to the scattered population of the country, but the number might with advantage be reduced. He approved of the suggestion that had been made, to substitute for these small bridewells certified police cells for the confinement of prisoners on remand, or sentenced to very short terms of imprisonment. Then of all the prisons in Ireland, only five were built with any regard to modern ideas of prison discipline and management. The most extraordinary thing in the whole report, however, was the statement as to the relations of the Prison Board with their

officials. This Board consisted of a chairman and two other Commissioners, paid, who had each a district to attend to, and one unpaid Commissioner. In the report of the Royal Commission, it was put in this way: 'We are afraid they (the members of the Prison Board) and their officials do not manifest between each other that spirit of cordial co-operation which should prevail.' He (Mr. Hastings) should think not, when the chairman of the Board had not for some time past spoken to his inspector, and would not permit the inspector to speak to him. All their communication had been in writing for the last year. This state of things was by no means confined to the particular case referred to, but permeated and paralysed the action of the Board generally. There was the case of the Governor of the Limerick Prison, who was severely censured by the Board for alleged misconduct. The Board refused to give him a second hearing, or to allow him to appeal to the Lord Lieutenant. Fortunately, the Lord Lieutenant, through the agency of the visiting justices, came to know of the circumstances, and, having made a full inquiry, reversed the action of the Commissioners censuring the Governor. The Royal Commission, in their report, said that 'their inquiries had not led them to believe that the prison system in Ireland was administered with any intentional or systematic cruelty or harshness towards prisoners.' He should hope not, for if it were so, the House of Commons would feel bound to take severe measures immediately against those who were guilty of such conduct. The report referred to the treatment of those prisoners who were on the borderland between sanity and insanity, and who were, therefore, scarcely the kind of people who should be subjected to excessive punishment. The way the Royal Commission put it was thus: 'The next thing we noticed was the long and oft-repeated punishments inflicted on convicts who have eventually become insane.' What that meant was plain enough. Again, the report referred to the large number of those who 'have had to be removed from the prison as hopelessly insane.' The report seemed to him to give some explanation of this state of things when it stated that prisoners had not been informed—that in fact it was not the habit in Irish prisons to inform them—of the right which they unquestionably had of appeal against harsh treatment. And the Royal Commission had also found case after case where officers of prisons had been refused the right of appeal. If the Commissioners refused to listen to the appeal of a governor of a gaol—a man who had some political influence,

perhaps—were they likely to listen to an appeal from the subordinate officials? Still less were they likely to pay attention to the cases of unhappy prisoners who had been subjected to treatment which had ultimately driven them into insanity. Then it seemed to be the rule in Irish prisons to subject untried prisoners to punishment. That was against the law of Ireland as much as it was against the law of England and Scotland. The relations between the medical officers of the prison service and the Board, though alluded to by the Royal Commission in mild terms, were so bad that one eminent medical man in Ireland absolutely refused recently to have anything to do with the Prison Board, although he was strongly pressed to do so by the Government. There were various other things he was very sorry to find. For instance, the Visiting Committees of Justices took hardly any part in the discipline and control of the prisons, whereas, in England they were constant in their visits and, when necessary, in their interferences; yet in Ireland, the necessity of these visits was very much greater. In England, he believed that but for the action of the Discharged Prisoners' Aid Societies, the number of discharged prisoners who were recommitted would be three times as large as it is. In Ireland such societies did not exist. The present condition of Irish prison management and discipline was simply lamentable. They might go to more than half the countries of the Continent, which were regarded as inferior to this country in these matters, and not find anything so scandalous. In fact, he could not help thinking when he read that report, that nothing of the kind had been made public in any civilised country since Mr. Gladstone's denunciation of the Neapolitan prisons many years ago, though it would, of course, be a gross exaggeration to say that the facts with regard to Irish prisons ought to be placed side by side with the revelations with regard to those in Naples. Still, he repeated, it was scandalous. The Royal Commission had complained, too, of the great cost of the Lusk Prison. In 1861, that prison was the one bright spot in our prison system; it was not a walled structure in which prisoners were kept in solitude—it was a farm reclaimed from common land, where prisoners who had been specially well-behaved worked with full liberty the last portion of their term of imprisonment, and so were fitted for going out into the world again. In 1861, there were some seventy men at that prison, and it cost 400*l.* for supervision; now there were thirty-one, and the Prison Board had brought the cost of supervision up

to 900*l.* Mr. Hastings contended, therefore, that it was not the fault of the system on which the Lusk Prison had been founded that the cost of its maintenance was excessive—it was the fault of the way in with the Prison Board had conducted it. Mr. Hastings expressed the hope that not only would that report be carefully considered by the members of the association—which had from the first taken a deep interest in the Irish convict system—but that the subject would be taken up by the English as well as the Irish public. He entreated them not to leave the matter to the House of Commons even, but to bring public opinion to bear upon it, so that these abuses might be swept away, and the persons who had shown themselves so incapable be made to give way to better men.[1]

Lieutenant-General C. LIONEL SHOWERS contributed a paper on 'Criminal Jurisprudence.' The burglaries that prevailed in London last autumn, attended in one instance with the death of a police constable at the hands of one of the burglars armed with a revolver, recalled the author's attention to the subject of repression of crime, measures for which it had fallen to his duty to take from time to time during his service in India. He adverted to the recent case at Hoxton, where two constables were shot down, as calculated to intensify the interest of the public in the question of amendment of the law as bearing on this

[1] At the meeting of the Council, held at the close of the proceedings at Birmingham, when this subject was again brought forward, the following resolution was unanimously passed:—'That in recognition of the feeling expressed in the Repression of Crime Section with reference to the remarks of Mr. Hastings, M.P., on the Report of the Royal Commission on Irish Prisons, a Special Committee be appointed to investigate the subject, to take evidence if necessary, and to report thereon; and that the Committee do consist of The Right Hon. Sir Walter Crofton, C.B., Mr. Hastings, M.P., Mr. Commissioner Miller, Q.C., Mr. R. Denny Urlin, and Mr. A. Herbert Safford; with power to add to their number.' This Committee was subsequently enlarged, and a strong deputation was organised to wait on Earl Spencer, K.G., the Lord Lieutenant, and Mr. Campbell-Bannerman, M.P., the Chief Secretary. The deputation, which was received at Spencer House, on the 21st November, 1884, included the following:—Mr. Hastings, M.P., Sir Walter Crofton, C.B., Sir J. Eardley Wilmot, M.P., Colonel Colthurst, M.P., Mr. Arthur Moore, M.P., Mr. H. G. Allen, M.P., Mr. W. E. Briggs, M.P., Dr. Farquharson, M.P., Mr. C. H. Hopwood, M.P., Mr. R. B. Mackie, M.P., Mr. Peter McLagan, M.P., Mr. George Palmer, M.P., Mr. W. Woodall, M.P., Mr. Frederic Hill, Mr. Arthur J. S. Maddison (Secretary of the Reformatory and Refuge Union), Mr. James Marshall, Mr. A. Herbert Safford, Mr. William Tallock (Secretary of the Howard Association), Mr. R. Denny Urlin, Mr. Westlake, Q.C., and Mr. J. L. Clifford Smith (Secretary of the Social Science Association). The following were unavoidably prevented from attending, but sent letters expressing their sympathy with the objects of the deputation:—Mr. Samuel Morley, M.P., Mr. Lewis Fry, M.P., Mr. W. H. Wills, M.P., and Mr. J. Brinton, M.P. A full account of the proceedings will be found in the *Sessional Proceedings*, to be issued early in 1885.

class of crime, and pointedly referred to the offenders being released convicts. Adverting to the fact that within the recollection of the present generation burglary was a capital offence, the writer remarks that commutation of the extreme penalty to penal servitude has had its trial and failed. In proceeding to the question of amendment, he remarks incisively that the armed burglar is a constructive murderer, and thereupon advocates the re-enactment of the extreme penalty in the case of all burglars found armed with fire-arms; and for those of the second class, not carrying fire-arms, penal servitude for life, without the benefit of ticket-of-leave.

Adverting to the remedies proposed by writers in the public prints, he notices two only—viz., (1) flogging, and (2) arming the police with revolvers to cope with armed burglars. The first was found efficacious in putting down garrotting, so prevalent in London some years ago; but if we can get rid of offenders of the second class by relegating them to penal servitude, the public were well spared the brutalising exhibition of the lash. The second proposal, to arm the police, he would earnestly deprecate, as derogatory to the majesty of the law, in substituting for its restraining moral dread the element of sheer force, which would but encourage outrages by combination of superior force. It would appear to be the law that is defective, and he advocates its amendment.

The writer advocated the establishment of schools of discipline for the correction of juvenile offenders, and cites the example of the School of Industry at Jubbulpoor in India as a model with respect to the scope of its objects. Segregation from other criminals is there carried out, and while reformation through discipline is aimed at, that discipline is maintained concurrently with instruction in useful handicrafts, so that individuals on returning to the world should be under no temptation to revert to lawless courses for want of the means for obtaining an honest livelihood.

As the stringency of the penal measures he has proposed may appear to some, the writer observes, hardly in consonance with the 'tenderness of our institutions,' and may be especially deprecated by philanthropists of an advanced enthusiasm, the writer observes that it may not be out of place to cite, in the interest of the law-abiding portion of the population, a few instances, drawn from his own personal experience, illustrative of the efficacy of exceptional repressive measures in stamping out exceptional crime. He cited first the suppression of the thuggee and dacoitee system,

which ravaged India some thirty years ago, and paid a tribute to the admirable work of the late General Sir W. Sleeman in organising the executive machinery of the department. His own duty consisted in trying the cases committed to the Rájpútana Agency Court. He touched on the evidence revealing the existence of a class of offenders who were born or bred to murder and gang-robbery as a profession, sentences of exceptional severity being passed to strengthen the hands of the executive officers. The confirmation of Government was obtained by plainly avowing the principle on which, for the protection of the law-abiding population, exceptional procedure had seemed demanded. The authority of Warren Hastings was cited in support. The extinction of thuggee and dacoitee throughout India was the best justification of the measures then taken, and the best answer to cavillers against exceptional severity in dealing with exceptional crime. The commutation of the original penalty of death for burglary to penal servitude having been found to result in an exacerbation of the crime, it would seem the duty of Government, as guardians of the public peace, to take measures accordingly. He urged the Congress to prefer an appeal to Government, backed as it would be by the united public voice of the country, for an amendment of the criminal law in the direction indicated.

EDUCATION.

THE TESTING OF SCHOOLS.

In testing the Efficiency of Schools should 'Processes' or 'Results' be chiefly regarded? By R. LEVETT, M.A.

THE aid granted by the Imperial Government to elementary schools is avowedly administered on the system of 'payment by results'; our schools for secondary education have been largely influenced by the Local Examinations of Oxford and Cambridge, and by the Examinations of the London University; the former practically, and the latter explicitly, ignore the manner in which the knowledge of the candidate has been acquired, and both deal only with the finished products that can be exhibited in the examination room. Those who are to serve the country in the army or civil service are chosen by the examination test, and classes and departments in our schools measure the value of the instruction they give by the number of successful candidates they prepare for these examinations, while the number of able men who devote themselves solely to such training increases from year to year.

At the older Universities the 'coaching' system has grown out of the examination system, and by far the greater part of the study of undergraduates is undertaken with a view to examinations, and is organised for this object.

It may be admitted that the narrow meaning of 'results' in education has been of gradual growth, that the framers of our present systems attached a wider sense to the term; but it can scarcely be denied that when we now talk of testing efficiency by results, we refer to the verdict of the Inspector or Examiner. Practically all our schools are judged by this standard—our elementary schools by the percentage of scholars who satisfy the Government examinations, and secondary schools by the University honours won by their pupils. We may remove the phrase 'complete

living' from Herbert Spencer's definition, and say that, 'To prepare us for examination is the function which education has to discharge, and the only rational mode of judging of an educational course is to judge in what degree it discharges such function.' I do not wish at present to contend that preparation for examination is not also preparation for 'complete living,' but merely to point out that, if the two modes of describing the function which education has to discharge are not co-extensive, then it is the narrower mode that we have adopted as the basis of our English systems.

I take it that 'processes' are merely the means, the steps, or stages by which the 'results' desired are attained; that the 'process' is good when it leads to the 'result' certainly, completely, and expeditiously; bad when it is uncertain, defective, or slow in arriving at its goal. Thus there is no very strong antithesis between processes and results; given the latter, the former are determinate.

If we consider the manner in which the practice of testing by results is actually carried out in our schools, we at once observe that final results at the end of the school career are not the only demand; the knowledge of the pupil is tested at frequent intervals—say once a year—throughout the whole period of his formal education. We test not by a single result, but by a more or less carefully graduated series of results. Now it is clear that there is room for error in the determination of the terms of the series. Given the first term—zero, say—and the final term, success in some fairly complete and searching examinations, we have to insert a given number of means between them.

I venture to think that this phase of the educational problem has not received anything like the attention which its importance and its intrinsic difficulty alike demand. Its existence has at last, I am glad to say, been recognised in the arrangements of the standards of the code for elementary education, and an honest attempt has been made to choose the subjects of the lower standards, so that they may be stepping-stones instead of obstacles in the course. Probably much still remains to be done, and it is to be hoped that the problem of the production of results in elementary instruction will continue to receive the careful consideration of skilled educationists.

In secondary education the problem has been little considered, if not altogether ignored. It will be useful to mention one or two examples of this neglect. The higher

schools of the country regard success in the examinations for honours at the University as the chief test of the value of their teaching. They advertise for clever boys in the metropolitan and provincial newspapers, and offer substantial pecuniary rewards for ability. The marketable value of a good boy is considerable, and excellent preparatory schools exist to supply the demand of the public schools. The high standard of the papers set for boys under fourteen years of age would be a matter for surprise, were it not the fact that candidates well fitted for the test imposed are usually forthcoming. Artistic translation at sight from difficult passages of Latin and Greek authors, scholarly composition in prose and verse, and an accurate acquaintance with the intricacies and refinements of accidence and syntax, are expected and obtained. But it is a matter of common remark that the clever boys thus selected not unfrequently fail to fulfil their so-called early promise. Instances in which they become idle or dull at the public school, and in the sequel fail to obtain the brilliant University degree that was coveted for them, are anything but uncommon. The conclusion that the preliminary result of success in these scholarship examinations for boys under fourteen is not a true mean term in the series is forced upon our minds, but we go on hoping that perhaps after all the greenhouse plant, forced out of season into beautiful flower and fruit, is one of nature's stages between the seed and the forest tree.

As a second example, we may take the examination tests imposed upon the junior forms in schools, and ask again whether these are so ordered and conducted as to satisfy a true law of progression. My own opinion is that they are not, and that much of the disappointment felt when a boy, who has uniformly done well in the lower forms, proves to have little real power in the end, is only the natural consequence of an ill-arranged series of preliminary tests. Take the case of languages. The boys whose studies have been directed with a view to final success at the University have spent their time in acquiring general skill in making out the meaning of a passage in Latin or Greek for themselves; in composition they have been led to think carefully about the sense of the words to be rendered into new form, and the logical connection of the several parts of sentences. In another class the boys are carefully drilled in a small part of a set book, their time is not wasted in unsuccessful attempts to find out the meaning of difficult passages, the difficulties

are foreseen and removed beforehand by the master or text-book, an accurate and eloquent translation is given to them, and by frequent repetition they come to know it almost by heart; in composition they are accurately instructed in a small number of technical rules, and by repeated application come to apply them automatically; to study the reason of such rules would be a mere distraction. In the examination the work of the former class will probably be characterised as uneven, or as wanting in definiteness, accuracy, and thoroughness, while that of the latter will receive unqualified praise; the irregularities that accompany growth are condemned, the finish of mechanical memory work is approved.

The same defect in the correlation of earlier and later examination tests is met with in mathematics and science. Cut and dried definitions learnt by rote, propositions got from the book without any application of them to new subject matter, rules without reasons, are by our examiners regarded as the proper mental pabulum for young boys who are afterwards to distinguish themselves as mathematicians, physicists, or chemists. The importance of good definitions, for example, is generally admitted both by the educator and the examiner; but the educator regards a definition as a summing up of much observation and thought on the part of the learner, the examiner gives his marks for a neatly arranged sentence. Consider such a definition as that of a unit of heat. With one class of boys several hours have been devoted to preliminary observation on the effect in raising temperature of different sources of heat, applied during varying times to differing masses of the same substance, or to the same mass of different substances, and the boys have been slowly led to build up for themselves a definition containing the essential points of uniformity of mass, of substance, and of initial and final temperature. Another class learn by heart an excellent definition from an excellent textbook as a small part of an evening's lesson, they say the definition next morning, and keep it in their memories by frequent repetition during the term; the saving of time is very great, and the failures in examination few, as compared with those in the former class.

Perhaps, however, there is no subject which has suffered so much at the hands of examiners, in its elementary stage, as that of geometry. As an extreme case of what a thoroughly bad examination in elementary geometry can be, we may take the paper set in the last Oxford Junior Local Examination. With but two exceptions, and these in the later

part of the subject, the questions are all book work, they are given in the exact words of the book, and it is known that any deviation from the phraseology of Euclid on the part of candidates is looked on coldly by the examiners. It is to be presumed that the authorities at Oxford regard the preparation for such an examination as a natural stage in the development of a mathematician; it is the duty of teachers to go on telling them that this is not the case.

Enough examples have now been adduced to show that in the leading subjects of secondary education a more thoroughly graduated scale of results than we have at present is desirable; it remains to consider the principle that should be followed in attempting to effect an improvement.

Fortunately this principle is an obvious one; it has only to be stated to command assent. Its practical neglect is matter for wonder as well as regret. It may be formulated in this way: The intermediate or subordinate tests of the efficiency of the system of education pursued in any school must correspond to the natural stages of development through which the student must pass in order to attain the final result at which he is to aim. That they do not fully correspond in our present actual practice has, I think, been sufficiently shown; that far greater, if not perfect, harmony might be obtained I confidently believe.

I have alluded already to the severe and unwholesome competition to which young boys, who are candidates for scholarships, at most of our public schools are subjected. The system exists partly from a wish to afford opportunities to boys of ability, whose parents are not in easy circumstances, to obtain the advantage of better instruction than they would otherwise be able to command; partly it is the result of the competition of school against school for University honours. So far as it arises from the second of these causes, the sooner the whole system is swept away altogether the better will it be for English education. These tests cannot be made to correspond with any natural process of mental development, and are therefore bad for the boys; and, if the greater schools should agree among themselves to endeavour to attract ability by the excellence of their educational methods rather than by pecuniary temptations, it is to be hoped that their position is strong enough to enable them to regard with equanimity the unfair competition of inferior rivals. The great schools of England are not in the position of shopkeepers, each of whom objects to Sunday trading, but nevertheless declines to close his pre-

mises, not from any desire for the advantage of the public, but from a fear that his rival may otherwise draw away his customers. But it is of great importance that all the educational advantages of our best schools should, as far as possible, be open to boys of ability without regard to the length of the parents' purse. This desirable result is, however, attained in but slight measure by the manner in which the scholarships are for the most part awarded. A boy of very great abilities would have little prospect of success without the most careful special training, and it will be found that a course of some years at an expensive preparatory school is the usual antecedent of a public school scholarship. The plan of utilising the University Local Examinations for the purpose of selection seems to be free from most of the disadvantages which have been mentioned, and it is to be hoped that experiments similar to those that are to be made by Tonbridge, Uppingham, and Wellington Schools, in connection with the Oxford Junior Local Examinations, next midsummer, may prove in every way successful. It must not be thought that this question of awarding scholarships in public schools is a small one; it affects the whole body of candidates as well as the few who win the prizes, and has had no small influence on the character and methods of preparatory schools. It is beginning to present itself in a new aspect, as a sequel of the extension and improvement of elementary schools, and it is earnestly to be hoped that School Boards and all school authorities will, in awarding the scholarships for higher education which are at their disposal, avoid special scholarship examinations, and judge of merit and promise in young boys by the ordinary school tests, and above all by the opinion of teachers who have a personal knowledge of their pupils of far higher value than any that can be obtained from a few crude or crammed answers to examination questions.

The problem of adapting the tests applied to junior classes to a natural and healthy order of mental development of boys presents many and great difficulties. In one important aspect it has lately received a fair amount of attention. I refer to the discussions at head-masters' conferences and at other meetings of teachers on the relative advantages of examinations in specially prepared books and in unseen work. A comparison of the programmes issued during the last few years by examining boards will show that such discussion has already led to action. Far more weight is now given to that general knowledge of a language which

is so much more useful a preparation for the future scholar, than the tedious initiation at an early age into the peculiarities and obscurities that may be found in some small assigned portion of the works of a particular author. Further advance in this direction may be confidently expected, and will be heartily welcomed by all true educationists.

But another and a far more important change in our present system is desirable. We want examiners who understand educational methods, and who have some insight into the nature and order of the mental development of young boys. In this respect our examiners at present are totally inefficient. They are, for the most part, young University men fresh from their honour examinations, who take up the work of examining schools to fill up spare time. They have no special preparation for their difficult task; it is to them in no sense a profession, with the interest and feeling of responsibility that belongs to true professional work. They are mere amateurs—young men looking forward to other and different occupations. Most experienced schoolmasters naturally regard the reports of such examiners on the work of junior forms with indifference or mild contempt. We should have an exact parallel to our present system of testing schools, if young men just called to the bar filled up their leisure time while waiting for briefs by acting as judges in the law courts, spending an occasional week or two in the year in listening to the examination of witnesses and the pleadings of experienced counsel, and then bringing to bear all their ignorance of principle and precedent on the task of summing up the evidence and deciding the cause in hand.

There can be little difference of opinion that secondary education lags far behind elementary education in the care that is given to the choice of examiners. Her Majesty's inspectors of schools take up their work as the profession of a lifetime; their interest in it is consequently of the keenest, and there is continuity and onward progress in all they do. The examiners of secondary schools are, in general, inexperienced amateurs. They follow no system marked by continuity from class to class or from year to year. Advance in educational method is but little due to their influence on our schools.

The question of the relative advantages of Government and University inspection of secondary schools has frequently been argued, and is far too large a one to be considered now. I can but point out that the advocates of the latter system

would do much to strengthen their position if they would induce the Oxford and Cambridge Schools Examination Board and other similar boards to provide a professional class of well-trained and experienced examiners, who understand what ought to be done and what can be done in junior classes, and whose judgment of the work and progress of such classes shall command the respect of schoolmasters. It is owing to the present inefficiency of examiners that the *vivâ voce* method of testing junior classes is more and more giving place to written examinations. This is very much to be regretted for many reasons; but what are the authorities of a school to do, when they know beforehand that the *vivâ voce* examination of a junior class is almost certain to be futile; when they have had experience of one examiner who, having spent the allotted time in carefully questioning the boys whose names began with A and B, proceeded to arrange the whole class in order of merit on the basis of the knowledge so gained; of a second who considered the *vivâ voce* hour with a lower form a convenient time for looking over the papers of the boys at the top of the school; and of a third who, having received his list of examinees in alphabetical order, returned it in the same order as that of merit? If such cases occur without exciting more than an amused smile, it can hardly be that the general standard of efficiency in *vivâ voce* examining is very high.

But I will not dwell any longer on this interesting part of my subject; it must suffice if I have done anything to show that, in order to graduate our results and adapt them to a natural order of development, examinations that encourage precocity should be avoided, those that give an advantage to mechanical methods of teaching should be improved, and that we greatly need a class of examiners duly trained for their work.

Up to this point I have supposed that the problem of formal education is to fix on a single final result as the outcome of the system, then to settle the stages and processes by which to arrive at the result, and, lastly, to arrange our series of intermediate tests, so that they may aid, or at any rate not impede, a sound and natural order of development. It has, I hope, been of service in the investigation to present the question in this simple form, purely hypothetical as it is, just as in dealing with a problem in mechanics we discuss the effects of forces on particles or rigid bodies, which have no place in nature, before treating of the much more complicated conditions the practical engineer has to consider. But

the final result is not the same for all pupils. We do not wish, even if it were possible, that the same standard of attainment should be reached by every student in every subject to which he devotes attention. While a few scholars carry on their work to the end of an honour course at the University, a much larger number have to confine themselves to the shorter curriculum of a first or second grade school for secondary education, and for the mass the limit is found in the standards of the code for elementary schools. Scarcely less important a consideration is the varying ability of boys. If in some future age of liberty, fraternity, and equality, a common limit of school age is fixed for all, none but a visionary will expect that the seventeenth standard, that will then appear at the head of our perfected code, will be attained by every scholar. Again, it is plain that allowance should be made for the different amount of attention that can be devoted to each subject, even by pupils for whom the limits of age and ability are identical. Individual tastes will lead some to a higher standard in one subject, some in another. While language or literature appeal to one class of mind, in other cases the study of nature and science may be more attractive.

It is these three causes—varying duration of school life, varying ability, and difference in intellectual tastes—that introduce complexity into the problem of the proper graduation of results. It will not be denied that education has suffered from the neglect to take these unavoidable conditions into sufficient account. If we wish to avoid controversy we may illustrate this point by calling to mind the part the making of Latin verses played in our educational system until recent years. No matter that the boy was to leave school at an early age, no matter that it was obvious that he had no ability for the task, no matter that his dislike for prosody rose to the dignity of a passion, still it was required from him that he should deliver every week a certain number of copies of longs and shorts. The predominance of verse-making is a thing of the past, but it would be rash to assert that there now remains no other subject of instruction in the ordering of which the time, talent, and taste of learners have not been sufficiently taken into account. There are still boys who leave our schools with a smattering of Greek of little value either for discipline or culture, who have wasted time in acquiring the, to them, inutilities of Greek accidence, that might have been much more profitably spent in acquiring a real knowledge of language and literature by

a more thorough study of English or Latin or modern languages. Many a good classical scholar wastes his time at school or at the beginning of his undergraduate career in acquiring a superficial or merely verbal acquaintance with half a dozen branches of mathematic. He gets from his study no fresh power as a reasoner or any insight into the thought connected with number and space that delighted a Plato or a Pascal; the object of his efforts is to pass the 'Little Go' examination. The result is that he has a horror for mathematics during the rest of his life.

Granting, then, that the series of 'tests' is to be so ordered that what are preliminary stages for some of our students may also be suitable final results for others, let us consider what has already been done to carry this out, and the general principles that should guide us in future attempts. A better thing has never been done for English education than the introduction of the principle of grading schools by the leaving age of the scholars. This principle was clearly laid down and strongly advocated in the Report of the Endowed Schools Enquiry Commission. It has been vigorously and successfully carried out by the Endowed Schools Commissioners, and their successors, the Charity Commissioners. It is based on the recognition of the fact that the early stages of the purely literary training given at the old grammar schools were not suitable as results for boys destined to leave school long before they could complete a course of study arranged to meet the want of the few who might afterwards proceed to a degree at the University. Of course this principle of grading by age has immensely simplified the problem now before us. Instead of a single final result we are enabled to take a number of such results, and treat them as though they were independent of each other. We, in fact, map out our educational territory into districts, and are to a very great extent enabled to meet the wants of each separately. The benefits which have accrued from the adoption of the principle have already been very great, and would have been even more extensive if it had been more systematically recognised by parents in their choice of a school for their sons. Wherever a system of graded schools exists, care should be taken that the principle of the scheme may be widely known, and every effort made to secure its general adoption. Fortunately, the efficiency with which the system is being worked can be tested with ease by school authorities. Regular returns of the leaving age and leaving class of every boy can be prepared without

labour or difficulty, and will exhibit at a glance the efficiency attained. If it is found that in a school planned for boys of nineteen a considerable number leave from classes below the highest at the age of seventeen, or in a school for boys of seventeen at the age of fifteen, it is at once plain that the benefits of the grading of the schools are lost, that the scheme, in fact, exists only on paper. The publication of such returns—names, of course, being suppressed—would do a very great deal to ensure recognition of the principle that the most important element to be considered in selecting a school is the probable leaving age of the boy.

But the system of schools graded by age deals with one only of the three disturbing causes to which attention has been called. It pays no regard to the varying talents and tastes of our pupils. Those who are dull or backward will not complete the full course of the school, and to them examinations are final results which are but preliminary tests for others. The difficulty of the problem under consideration has been diminished, not removed. We are still face to face with the question, How are we at once to do the best for the bright boys who are passing through a class and the comparatively dull boys who will never get beyond it? In an early work on education, ably setting forth the meaning and advantages of classical study, the present head-master of Uppingham School has told us that many of our boys will never sail in the great language ship and see the world; they will never get beyond the sawing of the planks and the sawdust thereof. This is an excellent metaphor, pregnant with meaning. It has one obvious interpretation, which it will be useful to consider. It illustrates the nature of the old practice of our schools no less than the mental calibre of the boys. Convinced of the value of travel in the great language ship and of the worth of the knowledge of men thereby acquired, we bid each would-be voyager to build and equip an ocean-going vessel. He lays down a keel of Latin and Greek declensions and conjugations; he fits to it the ribs of syntax and construing in both languages; but the vessel is never launched. Its builder will never circumnavigate the world of the literature of Greece and Rome. The practical man, not unnaturally, scoffs at the skeleton ship that remains on the stocks. The scholar hopes that sawing the planks has exercised the muscles of the young builder; the heaps of sawdust are happily soon scattered by the wind. I think it will be admitted that Mr. Thring's metaphor describes, not unjustly, the outcome of the education of many a fourth-

form boy trained under the rigorous classical system of our old grammar schools. Many educational reformers have been so discontented with the result that they have wished to sweep away the system altogether. Mr. Herbert Spencer, for instance, would have us give up building language ships, and set to work with all energy to construct science ships wherewith to explore the world of nature. This is not the place to discuss the question whether the great and beautiful thoughts of men are not as profitable subjects of study for our boys as the great and beautiful facts of the outside world. I have merely to call attention to the possibility of skeleton ships of science in which no one will ever sail, and to ask those who have seen something of both systems whether the sawing of planks and accumulation of sawdust may not go on in the teaching of chemistry and physics as much as in that of Latin and Greek, and be a final outcome of the one system as easily as of the other.

What we really want, if we are to do justice to our duller boys, is a change in method and order rather than in subject-matter. There is no sufficient reason why language should not be studied for the thought it embodies or for its beauty of form at a very much earlier period than is now done, nor why a boy's memory should be burdened with isolated facts and unexplained rules, for which he has no immediate use. There is no sufficient reason why we should let a boy learn several books of geometrical demonstrations before teaching him how to use his own reasoning faculties in finding out proofs for himself, nor why we should cram him with facts of science before leading him to draw inferences from his own observation or analysis. If this change in method and order could be brought about, each stage of development would be valuable also as a final result. The boy who leaves from the fourth form will have profited by the system in the same way as, if in less degree than, the boy from the sixth. He will have an appreciation of the treasures we have in literature, and an insight into the methods and objects of science. There will, indeed, be some sacrifice of what is called thoroughness and accuracy, but the loss will be apparent rather than real. If intellectual power and some general grasp of the subjects taught are acquired at an earlier stage than at present, we need not fear that knowledge of detail and as intimate acquaintance with minutiæ as may be required will follow in due course.

The third disturbing cause in fixing our scale of results was the difference in taste exhibited by boys. It is recognised

in the existence of the modern departments that have been organised in nearly all our leading schools of the first grade. It is worth consideration on the part of educationists whether a similar method of bifurcation might not with advantage be introduced into other schools. In a second grade school, for example, it would be an interesting experiment to establish modern classes in which literary culture should be given without the aid of Latin, and a larger share of attention be devoted to science. Such a scheme would be popular with many parents as well as with their sons, and would be merely putting into practical effect the recommendations of such thinkers on educational matters as Mr. Herbert Spencer or Professor Huxley.

I hope I have not been wearisome in dwelling thus in detail on the problem of the graduation of results. The main points I have tried to bring out are that a scale of results which is in any way satisfactory must be framed after consideration of, and in subordination to, the processes by which the final results may be attained; that tests which encourage mere mechanical teaching or learning in the early stages are not in harmony with true processes; that where results are twofold in character—preliminary for some boys, final for others—such mechanical teaching and learning are doubly mischievous; and that for our junior classes especially, and for our schools below the first grade, we want a far better trained body of skilled inspectors or examiners than we have ever had up to the present time. Presented in this way we have before us an educational problem which is ripe for solution. Much has been done already; it is to be hoped that much more may quickly be accomplished. It is a problem for organisers of education rather than for teachers, and organisation is the order of the day.

It may be hoped also that a vigorous and honest attempt to work out the question of graduation of results may ultimately lead to the consideration of a much wider and deeper one: Is it really true that preparation for any examination, however full and searching, is necessarily also preparation for 'complete living'? And if it is not true, would it not be well to give a practical assent to the fact in our educational systems, and in our mode of conferring appointments in the civil and military services? Is the German or the English view of the place examination is to hold the truer one? If at any distant date the educationists of England are convinced, not in theory only, but in action, that examinations are to take the second place, then it is, I think,

clear that, in a far wider sense than any I have ventured to suggest, the efficiency of the education given in our schools will be tested, not chiefly by regarding the results in the examination room, but by a careful observation of the order of study, the appliances and methods of teaching, the calibre and tone of the teachers, the love of learning, the discipline, and the character of the scholars.

On the Same.

By JONAS S. COCKSHOTT, Vice-Chairman of the Keighley School Board and Chairman of the School Management Committee of the Board.

LATELY so much has been said and written on the subject of education, that it is almost impossible to approach the question in any form without going over ground that has often been travelled before. It appears to me that the particular section of the subject I have been invited to write upon cannot adequately be dealt with without touching more or less on many of the debateable points that have recently been raised.

It would, perhaps, be wise to commence with a few definitions, in order that we may know exactly the ground we are upon.

I take it, then, that by 'results' the Council of the Association intend to be understood the position a school is shown to occupy after the annual visit from one of H.M. inspectors, having regard to his written report, the percentage of passes, and the amount of grant earned per head. By 'processes,' on the other hand, I understand the methods of arrangement in the school, the manner of teaching, coupled, I suppose, with the general condition of the premises and appearance and behaviour of the children.

The Code commences by reciting that 'A sum of money is annually granted by Parliament for public education in England and Wales,' and one of the objects for which the money is voted is defined as 'public elementary schools.' The remarks I may make will, therefore, have more special reference to elementary work.

The English system of elementary education has been the growth of years. Doubtless to the consideration and liberal self-denial of many of the religious bodies are due most of the

earlier efforts to secure a degree of education for the masses of the people. But, naturally, the matter at last passed under Government control, and since then—and more especially since the passing of Mr. Forster's Act in 1870—the advance in elementary education may be said to have gone on by leaps and bounds.

In order to show to what importance the question of elementary education has now grown, I need only refer to the amount of money paid in grants during 1883—viz. 2,522,541*l.*

The administration of the system, on the results of which this sum of money was paid, is carried out under the direct orders of Parliament and by its consent, and it is claimed by the friends of the system that, taken as a whole, the success attending its administration has been very gratifying.

The direction of affairs being in the hands of the Government and Parliament, and the success attending the working of the system being considered, at any rate, satisfactory, it follows that before any change can be expected to be made, those advocating any such change must be prepared to show in what way the system is faulty and where any improvement can be made.

The charges laid against the system, as I understand them, refer principally to the manner of grouping the schools, and perhaps more seriously to the manner of payment by results. It is claimed by the advocates of change that schoolmasters should have absolute power of grading the school into classes without reference to the 'standards' as now. In fact, the whole system of standards appears to be seriously condemned, and in place of year by year—under certain limitations—pushing the children forward, liberty is claimed that the master shall have power to keep back or put forward at his own discretion.

This cry against 'standards' is intensified by the charge of 'overpressure,' which is laid at the door of the system of grading by standards and payment by results.

We do not perhaps hear quite so much of overpressure now as we did a short time ago; but a strong party has risen in the country condemning the present system as a failure, and claiming what would in effect be a complete revolution in the administration of the Elementary Education Act.

The cry of overpressure is one that appears to have carried many people away from what I think to be a common-sense way of looking at the matter, and in their efforts to show that, by asking for certain definite results in return for

money paid, the Department have been, to a great extent, responsible for this so-called overpressure, seem to have forgotten the responsibility that rests upon a great spending department to see that the country gets good value for its money. For, to my mind, if the alternative method were adopted, and Government grants were paid on any other system but one showing 'results,' the nation would have no guarantee at all that the money had been expended in a proper and satisfactory manner.

I do not deny the existence of 'pressure,' but it certainly is a subject of uncertainty whether it is so serious as has been freely stated in some quarters. Men have taken to teaching as a profession, have been trained to it from youth, and doubtless on entering it are prepared to accept both the advantages and disadvantages attaching to the profession.

Many cases may have occurred where teachers have suffered from the worry and anxiety attending their labours. But can such consequences fairly be charged to the fault of the system under which they work? May not physical and mental constitution have much, in fact most, to do with such cases? And is it not a fact that such unfortunate results are often due to want of judgment on the part of the sufferer? Some masters allow matters to go on pretty much as they will till within a short time of the examination, and then all is bustle and excitement to bring the schools up to the best possible position, often with the consequences of suffering to the teachers, and possibly to the scholars as well.

I must not forget that in some cases such results are due to the policy of school managers, who, under the system of 'farming' schools, offer a direct incentive to masters to hurry and press the schools in such a way as cannot be conducive to the well-being either of staff or scholars.

But what sphere of labour can we find where pressure does not exist? I think it attends work of any kind with a doggedness that refuses to be shaken off. As the Vice-President of the Council said at the Conference on Education, 'Is he not pressed?' Is there no pressure on the ministers of the Crown and on our legislators? What about our merchants and manufacturers, our judges, lawyers, doctors, &c.?

We cannot turn anywhere in the present age but we find exactly the same thing going on, and in my own opinion there are many positions in life where this pressure is felt in a much more serious manner than it is in the teaching profession.

And doubtless there may be found many cases in all professions and trades where individuals have become sufferers because the pressure has become too heavy; but if we must stand still because we see such cases, the work of the world would soon itself come to a standstill.

Then, with regard to the children and the way they are affected by this pressure. In the earlier stages of the agitation it almost appeared as if the objectors had a good case. But what now, when time has elapsed for careful investigation to be made? A town near my home (Bradford) was one of the first to feel the charge of overpressure in a serious manner. There a considerable number of the medical profession joined in a memorial to the School Board, alleging overpressure, and condemning more particularly home lessons. After careful investigation, in which the medical gentlemen were invited to give their knowledge and opinion, the committee charged with the matter reported to the Board that in the Bradford district, with the exception of the cases of a few delicate children, no children had suffered from overwork.

In Leeds a similar inquiry has been carefully carried out, with a very similar result to that in Bradford; and although some of the leading members of the medical profession there seemed to hold strong opinions on the question, the whole investigation apparently confirmed the Leeds Board in the course of policy they had pursued.

In connection with the question of results *versus* methods, one clause of the report presented by the Leeds Committee of Inquiry is certainly striking:—

'The present system of individual examination of the children is the only guarantee of really effective instruction of the whole of the children and of their yearly progress from standard to standard. Apart from such individual examination, the children may be examined in classes, the precocious may answer for the dull, and children may remain in the same class for years without the least guarantee of progress, as, in fact, is well known to have been the case in a certain class of schools where this method of examination has obtained. Further, the moderate measure of the standards need not interfere with the more rapid progress of brighter children, as two standards may be covered any year, though without bringing any increase of grant.'

I should also like to refer to the written opinion of Dr. Garrett Anderson on the subject, though perhaps her letter to the 'Times' deals more with middle-class than elementary

schools. She arrives at the conclusion that there is exceedingly little ground for the charge of overpressure, and thinks there is less danger of it under the present code than under previous ones.

In discussing the question of 'results,' as affected by the cry of overpressure, it is almost fortunate that by the recent issue of the Blue Book for the year we are in possession of the opinion of the Inspectorate on the subject. After careful investigation, many of the inspectors have reported to the Department on the subject, and the gist of that report is, that there is no reason to suppose that overpressure does exist in any but a very small degree, and that when it is found it is more often due to a want of judgment on the part of the teachers than from any fault of the system they are working under.

In fact, a great weight of opinion seems to point to the conclusion that the cry of overpressure is not supported by facts, either in the case of the teachers or of the children, and consequently the charge of failure of the system through its means also falls to the ground.

If, then, so much important evidence is forthcoming from reliable sources, showing that under our present system no serious overpressure does exist, we are justified in throwing on one side one of the most important arguments in favour of a change in the system. And I include under this head not only the system of payment by results, but also the general system of grading by standards.

Now to look at the subject from another standpoint, to which I have already alluded. Parliament annually votes a large sum of money to be expended in the shape of grants in aid of education. Will Parliament be satisfied to go on in this manner without taking adequate measures to know that the money is properly expended? Into whose hands does this money pass, and upon whom does the responsibility of spending it fall? It appears from official returns that of the total amount of grant paid only about one-third, as yet, passes into the hands of responsible bodies elected by the ratepayers; the bulk of the remainder is paid in aid of denominational schools, over which the people at large have no control whatever through elected representatives. In many cases the administration of these schools is in the hands of a small committee of management. These committees have, many of them, done noble work in the past, and I do not wish to lessen in any way the credit that is due to such. But my contention is that they are in no way responsible to the public, whose money they are in receipt of.

If you abolish the test of results in such cases, you give up all control over the spending of the money, and a door is opened through which it may be applied for purposes it was never intended to serve, and much of the work that should be done by it will be left undone.

I am not inclined to speak uncharitably, but such cases have been known to occur, and, where safeguards are not taken, will occur again.

I would not confine these remarks to the managers of denominational schools. I can readily conceive that many school boards may be so constituted as to give no guarantee for the right and proper expenditure of public money; but such cases can only occur where public opinion is either dormant or so controlled by other influences as to be inoperative.

Anyone conversant with the working of a board having control of large numbers of children will readily perceive how many difficulties would be put in the way of members of such boards if the test of results were not available.

The board with which I have the honour to be connected is not a very large one, and has not been in existence so long as many have. It was only in the year 1875 that by order of the Department a board was formed for Keighley. In consequence of the backward state the district was found to be in from an educational point of view, much important work has had to be undertaken; but we are vain enough to think that now the school-work of our district will compare favourably with that of any other part of the country. I may perhaps be pardoned if I refer briefly to that work, in order to illustrate the point I am now dwelling upon.

In providing new school premises the policy pursued has been that which received such warm commendation from Mr. Mundella at the late Conference on Education. We hold strongly to the opinion that the best work in elementary schools can only be done in good buildings, well lighted, well aired, well ventilated, and with plenty of class-room accommodation. In several of our schools we have developed the class-room system to a great extent. In a class-room we place a competent teacher, who, as a rule, takes entire charge of the class during the year, each class generally being formed from one standard. Each of the assistant-teachers is responsible to the head-teacher for the success of the particular class he or she may have charge of; and, again, the head-teacher must answer to the board for the well-being of the whole school.

The system has been found to work admirably. The

average grant earned through our schools in 1883 was 17*s.* 7¼*d.* per head, as against 16*s.* 1¼*d.* for England and Wales; the cost per head from rates 7*s.* 7¼*d.*, as against 16*s.* 1*d.*; and the total cost of teaching staff 1*l.* 6*s.* 1*d.*, as against 1*l.* 12*s.* 0½*d.* I need not say that in the selection of staff every effort is made to get the best material, and no doubt much of the success we have had is due to the skill and hard work displayed by our head-teachers and their assistants. I may just say in passing that I doubt if our head-teachers would admit the existence of any overpressure in their schools, either to teachers or scholars.

My reason for going into these details is that I may ask how such a system could be carried out if we are debarred from judging the capabilities of our teachers by the test of results. Our head-teachers must regularly be testing their assistants during the year, or at the examination they themselves may find they have been leaning on broken reeds. Members of School Boards, having their business to attend to, cannot have sufficient time to visit the schools so often and so thoroughly as to be able to decide whether the work going on is as it should be or not, and being stewards of public money, the only way they have to judge if they are getting value for money paid is by comparing year by year the results achieved.

In connection with our own schools, I should like to add that our board devotes considerable time to the question of regularity in attendance. Our success in this respect is not so great as we desire, but we are of opinion that regularity of attendance at school from early years is one of the most important matters contributing to thorough education, and this being carefully attended to will minimise in a great degree any danger of overpressure.

Home lessons have not found a place in our system for some time. When the decision of the courts was given that these lessons could not legally be enforced, we were led to look into the matter, with the result that they were given up, and a little time added to the afternoon school. One strong reason for this course being adopted was that, where home lessons were imposed, they were frequently done, not by the children themselves, but by a parent or some older brother or sister, and that the time occupied next day by the teacher in looking them over could be much better employed in fresh class-work.

My remarks up to this point will doubtless have given an impression that I have nothing but good to speak of our

present system of elementary education. I do not wish such a thing to be understood at all. I believe there are many points where an improvement can be made, and I shall welcome any effort that can be made to lessen the friction that must attend any system whatever. I believe in the spirit that now animates Mr. Mundella and the Department, we have a good assurance that where improvement can be shown, the regulations shall be altered so that the best results may be obtained in the best way possible.

One of the strong points of attack on the present system is the position which dull and delicate children occupy on the day of examination, and the hardships they have to undergo in endeavouring to keep pace with the standards. These are the cases where the pressure is likely to tell with the most serious consequences. I am aware that now it is much more easy to have such children withdrawn from examination, but I should advocate still more liberty. I think School Boards and other local authorities should have the power to engage the services of a medical man, whose duty it should be to examine all such cases, and whose written certificate should be final as to their withdrawal or not.

Our inspectors are gentlemen of undoubted ability, but on days of inspection I have often seen children lost because they scarcely could understand the manner in which they were addressed. This I know is due to the provincial accent that is found in different parts of the country, and though we should all be glad to hear our language spoken well, and in one manner, we cannot quite afford to ignore the presence of such a difficulty. Children are but children, and often in the presence of a complete stranger are utterly unable to show the amount of knowledge they actually possess. I think it is absolutely necessary to the thoroughness of the examination that the master be allowed to conduct it—of course in the presence of and under the direction of the inspector.

Further, with regard to inspection. If the body of inspectors could be increased so that more visits might be paid to the school than now, and the report on the school depended as well on these visits as on the annual inspection, the general condition of the school, I think, would be more certainly found.

While under present circumstances I could not advocate a payment of money on methods alone, I do not deny that methods must have an important bearing on 'results.'

Your plans may be all that is desired, but unless they are followed up diligently through the year, you have no guarantee that your results will be what the methods themselves might be expected to produce. Granted that methods shall be the basis of test, what assurance is there that the methods are carefully and persistently carried out during the year, unless by some such increase in the visits of the inspectors as noted above, and with a very considerable addition to the cost of inspection?

To such increase of expenditure I should not object, believing as I do that by these means a more thorough and reliable opinion of the results accomplished in a school would be obtained.

Before closing my paper I wish to refer to one matter that perhaps does not strictly belong to the subject, but upon which I hold a very decided opinion. I should very much like to see an effort made to provide something more definite for the education of young people after they have arrived at the age of fourteen. When the compulsory clauses have lost hold upon them there comes an educational blank, till they themselves feel the necessity of pursuing their studies on the lines more particularly connected with the trades they may adopt. Often in this interval a great deal of the knowledge they possessed before leaving school is utterly lost, and they are heavily handicapped in their efforts to get hold of technical and scientific knowledge.

Looking at the question in the way I have attempted to do in this paper, I am driven to the conclusion that we cannot afford 'results' to be ousted by 'processes.' Methods, as I have already said, are of great importance to the successful working of a school, but so long as public money is liberally found for such work, the public have a right to know that careful measures are taken to insure the greatest benefit being derived from it.

I am also sanguine enough to think that, as time goes on and the weak points of our present system are better understood, such improvements will be made as to remove all just cause for complaint, and that before long England will possess a system of elementary education that will be the admiration of the world. Evidence has accumulated showing that England has been lagging in the matter, but I have a firm faith that the reproach will no longer be justified, but that now the young people of our land will be as well equipped for the battle of life as those of any other country.

DISCUSSION.

The Rev. E. F. M. MacCarthy (Birmingham School Board) said that Mr. Levett in his paper had hit upon what they all knew to be the greatest blot upon our education system. In attacking the conditions under which education was being conducted in this country, he had laid blame both upon teachers and upon examiners. As a practical teacher he might bring a good many complaints against the examiners selected by the universities, who were certainly not in all cases up to the mark, being often apparently unable to ascertain the knowledge of the pupils. No doubt where the examiners generally failed to succeed was with the younger classes. It was melancholy at times to note the contrast between the capacity for managing a class and eliciting information on the part of the ordinary teacher of the class and the examiner. This contrast was often so striking that he had known boys on coming out of their classes after examination unable to refrain from laughter and scoffing remarks. In reference to the examinations themselves, he had had considerable experience of local examinations, and he had always felt that the system, while it glorified results, almost invariably degraded the processes of teaching. It was quite impossible for boys to subject themselves to examination of that crude kind without feeling that at all events the teaching which they had received had had little or no bearing upon their examination questions. In regard to the awarding of scholarships there were enormous difficulties to contend with, and teachers would be grateful to this Department if some practical suggestion could be made for the elimination of the existing difficulties. At present the examination system seemed the best they could devise in the place of the old system of favouritism which formerly pervaded our Civil Service, and largely the public schools and universities. What were they to place before the schools as a method of testing their best scholars? Mr. Levett argued that they should avoid examinations as a test as far as possible. They were still groping for the scheme for ascertaining which scholars in public elementary schools of a large town were the most fitted to pass on to secondary education; but when they had thirty or forty competitors and only one or two scholarships to award, it was difficult to ascertain without examination to whom they should be awarded. After the teachers had made the preliminary selection they were brought face to face with some forty scholars taught in different schools, and some system must be devised for assessing their relative merit, and then they could only fall back upon examination. At the same time it was felt that the examination system was not a satisfactory one, for it often brought to the top of the list a boy not altogether of such a calibre as would justify his being put upon the next step of the ladder which it was intended should land him ultimately at a high standard of culture. In fact, even a perfect examination system really required for its success more good teaching than could be obtained, and as long as the present defective system of obtaining teachers was continued they would have mechanical methods. As Mr. Sonnenschein had pointed out, it was to the universal training

of teachers that we must look for universally good methods of teaching.

The Rev. Dr. CROSSKEY (Birmingham School Board) said, with regard to the practical question raised by the second paper as to the work done in elementary schools and the payment by results, he sympathised generally with Mr. Levett and Mr. Sonnenschein. But he presumed it was not suggested that they were to do away entirely with personal examinations in public elementary schools. Of course it must be acknowledged that in all schools the first thing to be aimed at was the proper education of the children, and the amount of grant earned. The method of distributing the public money in this country was unhappily not altogether an educational question; there were enormous vested ecclesiastical interests involved. A constant pressure was necessary to check the tendency of some of the largest and most influential bodies in the country to strive after public money in order to save private subscriptions and to support their sectarian schools from the public funds; and if payment by examination were entirely abolished, the result would be a lowering of the standard of education, together with a larger grant of money. They were bound to see that schools were not supported with public money apart from educational results. The evils which Mr. Sonnenschein dwelt upon could be largely remedied. Why always attempt to gain money by forcing passes? The ratepayers ought to be glad to pay sufficient sums of money to prevent cramming. The great object of some people was to get the maximum number of passes, and to secure the largest possible grant. Managers ought not to allow their schools to be institutions for grinding money out of the public funds, but their one great purpose should be to train the children. Until there was an educational conscience throughout the country, they might talk in vain. The reform in these matters must begin with the school boards and managers, and then in due course, through the Government, the grants would be determined by the generally excellent condition of a school, rather than by a precise percentage of passes.

Professor E. ARBER (Mason College, Birmingham) observed, with regard to examinations in secondary schools, that he had been lately brought into contact with the English papers of the Higher Cambridge local examinations, and all he could say was, that those examinations were a misfortune to the country. Young children were asked questions in English literature and other branches of English, which he could hardly answer himself. The University of Cambridge had no professor of English literature, and no regular teacher of the English language; and in the application of English studies to the education of children, in his judgment, these papers were of that description that he could only raise his humble protest against them.

Mr. R. GREENWOOD (Southwark) said the question to be considered was whether, under the present system, as much was being done for the real education of children in elementary schools as might be done. Whatever change was made they must have examinations. Now examinations were first instituted to discover *how* pupils were taught, but were now used to see how much information pupils had picked up,

no matter how. Should they test the results, caring nothing for the methods, or should they secure good methods and let the results take care of themselves? The reputation of teachers in elementary schools depended almost entirely upon the number of passes they could secure at the Government examination, and very little inquiry, if any, was made as to how these passes were obtained. Examination was no longer the servant of education, but its master. Let them ask themselves what were the objects of education, and then in all honesty inquire if they really believed those objects were being attained. He understood that one of the main objects was the development of the intellectual faculties. Was that idea ever present with the elementary teacher in his work? Very rarely did they see elementary teachers meet together to discuss child nature or methods of teaching, for they had become mechanical drudges, and no longer looked upon teaching as an art. In the Government Blue Book for the year they could find Mr. Kynnersley, H.M.I.S., saying, 'We use arithmetic cards in the examinations from sheer necessity, to save time and to guard against copying. But I doubt their expediency. The teachers now use cards all the year round, and neglect class teaching with the black-board. The children work endless examples without ever mastering the rules and principles.' In how few schools, again, is the multiplication table taught by the synthetic method as it should be? The reason that the most educative methods received such little attention was that the fruit which they produced was not sufficiently immediate, and would not therefore satisfy the Government Code. It had been said that morning, on the subject of overpressure of children in schools, that teachers neglected their work at the beginning of the year and then had to rush through it at the end. He did not think that was exactly so. Many a teacher at the beginning of his school year resolved that in future he would use better methods of instruction than before, and trust to Providence for results. But as the months rolled by he found that his scholars were not being so well prepared to meet the inspector as in former years, and he would reluctantly come to the conclusion that the new system must be dropped, and that he must cram during the remaining part of the year, to get the children ready in the particular work required at the Government examination. This was hard upon the children, who in the latter part of the school year had to be detained beyond the school hours and to be made to work hard. A rational system of education did not lead to success at the Government examination. The country was spending a great deal of money on elementary education, and it was a serious question whether they were getting a proper return for it or not. Mr. Tait, Inspector of Schools under the Huddersfield Board, said, at the Congress last year, the teacher knew that if he put backward children into a lower standard than the one in which they were being prepared for examination, they would know nothing of the work of that standard, and would fail if examined in it. Was that a satisfactory result after spending so much money? The children's intelligence was not properly cultivated. To satisfy themselves on this point gentlemen interested in education should, *e.g.*, ask children in standard one or two, why, in simple

subtraction they paid back one after borrowing ten. If teachers under such a Board as the Bradford Board spent much time in the explanation of such principles as would gradually increase mental power, they might expect to receive at the end of the year a notice of dismissal because the Government assessment would be 'fair' only. There should be higher recognition of real intellectual work as distinguished from work which was simply preparing for examination.

The PRESIDENT OF THE DEPARTMENT (Mr. Oscar Browning) thought it would be acknowledged that on the whole it had been shown during the discussion, that in the present state of things they must have some kind of examination of schools, and some system of payment for results. But it had also been abundantly shown that the present system was faulty, especially in the manner in which those results were ascertained. What was the remedy? As had been pointed out, the remedy lay in better teachers—better trained teachers. He went further, for he would say that present defects were due to the general ignorance and indifference throughout England towards educational science. Anyone who had given his attention to these matters and knew the place which educational science and rational thought held in Continental Europe and America, must be surprised and abashed at the backward state of education as a science in England. The University of Cambridge was the first public body to teach and examine teachers. That university showed that it was fully alive to the necessity of instruction being imparted by well-trained teachers, and lately an organisation had been started in connection with the university for supplying teachers to schools, and the experience of the gentlemen at the head of the organisation was that for one head master who asked for a trained teacher, there were fifty who asked for a master who could instruct the boys in cricket or football. 'Are you an athlete?' was the question asked to almost every applicant for an assistant mastership; and the question, 'Have you been trained in your profession?' was comparatively rare. Let anyone look at our educational literature; was there any country where fewer books were produced upon the science of education? Such books were indeed very scanty, and so were the journals devoted to the same objects. What struggles the 'Journal of Education' had had for its existence! Until by some means or other it could be got into the English mind that education was a science, the evils which had been dilated upon to-day would continue to exist. They had the other day a very satisfactory Congress on education at Kensington; there were not a great many schoolmasters present, but still the Conference might be regarded as a success. The collection of educational appliances at the Health Exhibition would also have a beneficial effect, but the Belgian section showed that this country had much to learn. At the last Paris Exhibition the English section was almost entirely devoted to photographs. With regard to school examinations, it was said the system often led to overpressure and bad results in after years. He had never seen any signs of that. About forty years ago the examination system was introduced at Eton, and prior to that time the scholarships were obtained almost without examination. A boy sent to Eton might reach the top of the school, go to King's

College, Cambridge, and get his degree without examination, and finally become a senior fellow and be provided for for life. And yet the college at Eton offered so few inducements that it was hardly ever full. But now there was keen competition for the places, not, he was sorry to say, by those for whom the foundation was originally made—the children of poor persons—but by some of the richest and noblest of the land. Parents sent their children to Eton because they thought they could get there the best education that England could offer. Mr. Shaw-Lefevre some years ago asked him whether there were any signs of overpressure in preparing boys for the open scholarships at Eton, and he (the president) assured him that he knew of none whatever. He objected to the system of different colleges at Oxford and Cambridge offering bribes against each other to obtain pupils. All the scholarship examinations at Cambridge should be held at the same time, so as to prevent students going from one college to another to pick up the crumbs. This, to a certain extent, was now being carried out, as there were some colleges which had their examinations at the same time. The old system could not be abolished at once, but pains should be taken to make it as little harmful as possible. He also thought that instead of university inspectors a class of professional inspectors should arise, who would command the confidence of the schools, the teachers, and the universities. The Oxford and Cambridge joint board examinations, as at present carried out, did more harm than good. The awarding of scholarships and orders of merit was a function which universities, as universities, ought not to possess at all.

SUPPLY OF TEACHERS.

How far are the Requirements of the Country for well-trained Teachers in Elementary Schools met by the Pupil-Teacher system, and the existing Training Colleges? By GEORGE B. DAVIS, Clerk of the Birmingham School Board.

TO answer this important question, we must consider, firstly, what the requirements are; and, secondly, what our present means are accomplishing; and then we may be able to arrive at some reasonable conclusion as to whether the requirements of the country are being fully met.

Firstly, then, what are the requirements?

There were on August 31, 1883 (the date up to which the last Government Blue Book supplies us with statistics), 4,273,304 children on the books of Public Elementary Schools, and there were 3,127,214 in average attendance. These were receiving instruction in 18,540 schools, under 37,280 certificated teachers, 12,390 assistant teachers, and 26,428 pupil-teachers. The pupil-teachers and assistants are, of

course, working upwards to the rank of certificated teachers. Supposing the number of certificated teachers to be sufficient and the other data to remain stationary, the country would require a permanent staff of 37,280 certificated teachers. The annual waste has been estimated, for several years past, at 6 per cent. This would make it appear that an addition of 2,236 per annum to the list of certificated teachers would keep up the requisite supply. This estimate, however, will be considerably within the mark. The number of schools is still increasing, and the number of teachers must necessarily increase also. Besides this, the percentage of waste must greatly increase.

The percentage of teachers who leave the profession is vastly greater in the case of females as compared with males. When a man becomes a certificated teacher, he is, as a rule, fixed in his profession for life. Few leave for other occupations, and still fewer leave in early life. But the young ladies generally resign their appointments when they are about to get married; and most of them do get married by the time they reach the age of five-and-twenty. Hence, the professional waste is very slight in the case of the men, but is very much beyond the 6 per cent. in the case of the women. Nearly all new Board Schools have separate departments for boys, girls, and infants; and this involves the employment of two mistresses for one master. It is also the case that female teachers are now employed to a greater extent than formerly. In mixed country schools, where boys, girls, and infants are all under one head teacher, and together make up but a small total, mistresses are often considered more suitable than masters, and are certainly cheaper, and remain more contented with their lot. Female teachers are also more in requisition for the lower classes in boys' schools; and wherever a junior department is opened which comes between the infants' school and the upper boys' and girls' schools, that new department is placed under a mistress. The chief assistants, too, in all large schools, are certificated; and the girls and infants count two to one against the boys. For all these reasons the number of mistresses required is increasing at a far more rapid rate than the demand for masters; and, consequently, the percentage of waste must also increase.

It is impossible, at present, to feel at all safe in hazarding a guess as to the number of teachers that will be required when the country has quite settled down; but I think we may safely assume that 3,000 per annum will require to be added to the staff of certificated teachers.

But we must consider the question of quality as well as quantity. What *kind* of teachers does the country require?

There are those who would still tell us that any person who can teach the children to read and write, and to work a few easy sums, would be sufficient for a country school; and that for the lowest class of our town population nothing more is required educationally, though we may find it necessary to employ men instead of women for the sake of discipline. I am confident, however, that none of those whom I have the honour to address to-day will be disposed to endorse that opinion. We shall all agree that the great work of educating the masses must be done well. This great question has come to the front in a marvellous way within the last few years. School Boards now embrace within their districts about two-thirds of the entire population of England and Wales, and compulsory by-laws have become part of our social system. But, unfortunately, it is still the case that the great national importance of the people being educated is not so generally felt and acknowledged as it ought to be. The Germans and the Swiss realise the truth that education is the one means by which they can hope to hold the best position of which their circumstances admit; but, in this country, the education of the poor is far too apt to be regarded as a merely benevolent act, and the expenditure to be spoken of as a costly charity. I make these remarks because I am anxious that it should be laid down as a positive necessity that all our teachers should be well trained; and that inefficient teachers, wherever they may exist, are but temporary evils. Our schoolmasters and mistresses ought to have sufficient personal education not only to teach the children intelligently, but also to educate their apprentices who remain with them up to the age of eighteen or nineteen. They should also be sufficiently well informed to be able to win and retain the respect of the communities amongst whom they labour. Besides this, they ought to be well trained in the details of their professional work, including all points connected with school organisation, and a thorough and elaborate course of instruction in method. It is not possible to give a single lesson in the best way without a practical knowledge of the difficulties that have to be overcome, and a judicious plan by which those difficulties may be analysed, and the subject made clear to the understanding of the scholars. In spite of the tenacity with which people cling to the notion that anyone can teach what he knows, there really is both a science and an art in teaching; and the teachers of

our Elementary Schools need this technical knowledge and training more than any other class of teachers.

Let us now proceed to consider what our present system is accomplishing.

As regards mere numbers there need, I think, be no fear. The number of pupil-teachers has doubled since 1869, and a demand for labour at a fair remuneration always creates a supply. This part of our inquiry will turn upon the question as to whether all our teachers are well trained.

The theory of the system is that boys and girls of about fourteen years of age are apprenticed for four years as pupil-teachers, that they then go to training colleges for two years, and come out again as fully certificated teachers. Most of the certificated teachers have been pupil-teachers; but after that period, the theory and practice no longer run together. A pupil-teachership is not invariably followed by two years in a training-college. In July of last year 5,194 candidates attended the examinations for admission to the colleges, and 3,364 passed creditably; but only 1,628 entered into residence. At the Christmas examination for certificates, 3,224 passed, but only 1,521 were in colleges. The plain fact is that less than half of those teachers who now obtain certificates have passed through training colleges. The supposed rule, therefore, is not a rule practically; and the certificated teachers who do not pass through a college course are outnumbering those who do. This is a most important point; because, whatever the quality of the training given in those institutions may be, it cannot benefit more than one-half.

Let us pursue this a little further. The number of female college students who obtained their certificates last year only exceeded the number of male students by 20 per cent., the numbers being 690 male students and 831 female students. But the difference between the numbers of acting teachers was enormous, the figures being 260 males and 1,443 females. Formerly, when the demand for teachers was less, it was much more generally the case that ex-pupil-teachers went to the training-colleges. Of 15,368 certificated masters who held appointments at the date of the last Government report, 31 per cent. had not been college students; and of 21,912 mistresses, nearly 52 per cent. The colleges are still full of students. They are 41 in number, and have accommodation for 3,297 students, and the last return shows that there were 3,214 in residence. But the demand for teachers has increased, and of the last annual supply the colleges only furnished 47 per cent.

Now, what is the course followed by those pupil-teachers who do not go to the colleges? They become assistant masters and mistresses in the schools, and when they attain the specified age, they pass the examination for their certificates as acting teachers. In August 1883 there were 12,390 such assistants actually employed. On the one hand, the training-colleges cannot accommodate more than they receive, and on the other hand, the opening of so many large Board Schools has created a demand for teachers above the rank of pupil-teachers, but less costly than fully certificated teachers.

What is the kind and quality of the training our teachers receive?

Our pupil-teachers are accepted as mere elder scholars without much knowledge, being educated just up to the sixth or seventh standard of the code; and they try their ''prentice hand' on teaching first, and gain their own personal education afterwards. They have to fall into the practical work of teaching in the schools under the direction of the head teachers, and learn the details of their duties, as young mechanics learn theirs, by being called upon to perform them. Their own education is not neglected, but progresses a little each year. Those who afterwards enter training-colleges make good progress in their own studies, and their mental condition when they leave is very far superior to their condition on entering. They also receive lectures on school management and the art of teaching, and have some practice in lesson-giving under criticism. Whether the time and attention paid to practical professional training is always sufficient is open to some doubt. The amount varies greatly in different institutions. The examinations, the grants, the moderate acquirements of the bulk of the students when they enter, all combine to make the system responsible for the fact that those who have the management of the training-colleges are almost compelled to think of personal scholarship as the prime essential. The study of method takes a very subordinate place; and it may be said that, generally speaking, students go to training colleges to acquire knowledge rather than to learn how to teach.

But what must be said of those who never enter the training-colleges? These have never been provided for in any way; but have been left to chance, and having to work hard all day in school, they have often sought recreation rather than instruction, and have finally passed but indif-

ferent examinations. The students in colleges pass an examination at the end of each year of residence; and thus *all* take the papers of the second year before they leave; and many pass in the first division. But the acting teachers have, hitherto, only been admitted to one examination in order to furnish evidence of minimum qualifications, and they have been allowed to take the papers of either year. Hence, the great majority have taken the papers of the first year, and an enormous percentage have passed in the third division. Of course, there have always been brilliant exceptions, but in considering the supply for the whole country we must speak of the great majority.

Of lectures on the Science and Art of Teaching they have had none, and they have been altogether dependent for their knowledge of method upon the teachers under whom they have served. This practical training has, however, often proved very valuable, especially in some of our best town schools. Practical work under good, painstaking, and kind head teachers, continued for so long a time, has very frequently resulted in the acting assistant teachers becoming far more useful in the schools than the general run of college-trained students. It is often said that acting teachers are better teachers but inferior scholars. This, of course, requires to be accepted with limitations; and the fact remains that such acting teachers must study for themselves if they are to obtain any knowledge of the principles of teaching, and it too often happens that their attention is not directed to the subject.

The conclusion, so far, then, is that half of those who annually recruit the ranks of certificated teachers are poor scholars but good practical workers, though without much knowledge of principles.

Lastly, I have to endeavour to answer the question with which I began, and the facts I have stated will constitute useful data upon which to base our conclusions.

First, then, as to quantity. The 1,500 teachers per annum sent out by the training-colleges will, at the rate which has been assumed in the past of six per cent. for waste, keep up a supply of 25,000 certificated teachers. But the number already is 37,280, and our argument seems to show that, in the future, the existing training-colleges will fail to supply more than half the number required. Again, the training-colleges much more nearly supply the requisite number of masters than of mistresses. Of the former they supplied over 72 per cent., and of the latter only about

36 per cent. at the examination held in December 1883. The rest were supplied from amongst the acting assistant teachers.

The unsatisfactory part of our reply is in reference to the quality of the training which many of these teachers receive. Our pupil-teacher system is quite open to criticism. Our candidates are generally very young, and have made far too little progress with their education. It would be infinitely better if they could receive some more advanced instruction for a year or two before commencing their apprenticeship. They would suffer less from over-pressure; they would be more capable of receiving ideas; those who afterwards go to training-colleges would be better prepared on entering, and more time could be devoted to the principles of education, and the study of method. But the greatest and most important point of all is the want of adequate means for preparing the acting assistant teachers for their certificates.

Just lately, this question has begun to attract attention. Several School Boards have established central classes which meet in the evenings and on Saturday mornings; and now the Government has acknowledged this to be an important national work, and has promised small grants in aid. These promised grants are very small in amount, and are subject to onerous conditions; but the principle being granted, we cannot think that the Education Department will be satisfied to nurse one half and almost to neglect the other. These classes must grow. It is too soon to enter upon details, and it would be beyond my present purpose to attempt to prophesy as to the particular forms that future developments may assume. One thing is certain: the acting teachers cannot accomplish as much study in the evenings and on Saturdays as the college students can who devote their whole time to the work; and, therefore, the acting teachers must take longer to prepare for their final examinations. This the Government has done something to secure, while at the same time compelling a continuance of effort. Acting teachers will now be able (commencing with the present year) to pass the two examinations in the same way as students in training-colleges; and they are no longer to be eligible for the charge of pupil-teachers until they have passed on the higher set of papers. But between taking the papers of the first and second years, two years must elapse. These arrangements may be followed by some plan for employing these teachers for fewer hours in the week, and

leaving them more time for study, in which case a greater number must be employed. A system of day training-colleges may spring up. In any case, financial questions will arise, in which the Government must take part.

The proper object of this paper will have been served if I have succeeded in drawing attention to these two points :—

1. That quite half our teachers do not pass through training colleges; and,

2. That the training of that half has hitherto been grossly neglected; and is, at the present moment, only very inadequately provided for.

On the Same.

By the Rev. GEORGE GIBB.

PERHAPS we shall best arrive at a satisfactory solution of the question proposed by inquiring :—

1. What the requirements of the country are in regard to well-trained teachers in elementary schools.

2. What the pupil-teacher system is, and how fitted to fulfil such requirements.

3. What the training-colleges are, and how fitted to prepare pupil-teachers for their work as well-trained teachers of elementary schools.

1. 'What the requirements of the country are in regard to well-trained teachers in elementary schools.'

The English nation is confessedly in the van of the nations of the world in regard to social order, literature, commerce, and whatever else greatly contributes to the prosperity and happiness of a nation. England will not, therefore, be content to be otherwise than at least abreast of the most advanced country in regard to that very important factor in the welfare of nations—the education of the masses.

As regards the education of the higher classes, England bows to none as her superior. Her Universities, old and new; her great Public Schools—the thoughtful and wise provision, for the most part, of former generations of Englishmen; and the great Military and Naval Colleges—the creation of this age—offer every facility for the education of the higher and upper middle classes, and are unsurpassed for the solidity of their work and the comprehensiveness of their instruction.

But, with this passing remark, descend we to the consideration of the schools for the poor—the elementary schools,

as they have been happily named—of England. What is the character of the education afforded by them, at least as regards that most important of all considerations—the teaching power required to make them efficient and sufficient for the needs of England?

Now, without stopping to inquire how far the efforts of voluntary agencies and of School Boards have been successful either by the free-will of the people, or under the compulsory powers of the School Boards and Attendance Committees, in filling the schools for the labouring classes that have been so liberally provided, we may take, as methods of comparison for the purpose of our inquiry into the requirements of the country in regard to trained teachers, the average number of children under instruction when it was entirely voluntary, and the numbers now when compulsion is in force; and also the number of teachers then and now in charge of the schools.

Our years shall be 1858 and 1883, *i.e.*, two points for comparison just a quarter of a century apart.

In 1858 we find there were in average attendance in the day-schools of England under inspection 636,048 children, with a supply of 4,916 certificated teachers, 196 assistants, and 11,920 pupil-teachers. This gave an average of 37·3 scholars to each teacher of any kind; and in 1883 in average attendance were 3,127,214 children, with a supply of 37,280 certificated teachers, 12,390 assistants, 26,428 pupil-teachers, 3,157 acting teachers holding certificates, and 3,987 probationers, thus giving an average of 37·5 scholars to each teacher. It is to be noted carefully, however, that the proportion of adult teachers in this latter case is far higher than that in the former.

Now, what was the state of education in 1858, as gathered from Her Majesty's Inspectors' Reports at that time?

The *Rev. F. C. Cook* (Report 1858-9, p. 21) says:—'My opinion as to the fluency and correctness in the reading in most good schools, the general intelligence and love of information in the boys, and the skill with which some teachers lead them to think and judge in matters not beyond their age, natural capacity, and the wants of their station, is upon the whole favourable. No one is more fully aware than I am that much remains to be done; but the progress made within the last few years is really so considerable, that the dissatisfaction expressed by some influential persons is hardly to be accounted for, excepting by very exaggerated notions as to what may be reasonably expected from the children of

labourers during the short and frequently interrupted period of their attendance at an elementary school.'

The *Rev. W. Warburton* (Report 1858–9, p. 112) says:—'The general level [of elementary education] is rising, though there are here and there discouraging circumstances to be encountered; and among these perhaps the principal is the early removal of the children from school, owing to the gross indifference of the parents. . . . Within the schools themselves one observes pretty generally unmistakable symptoms that the new system of instruction, of which the aim is not so much to impart information as to awaken intelligence and cultivate the moral nature of the children, is beginning to tell on their ability to grapple with simple questions put in unfamiliar forms, in the clearness and definiteness of their conceptions, in more cheerful obedience, and greater candour, honesty, and love of work.'

J. D. Morrell, Esq. (Report 1858–9, p. 142), says:—'It is not uncommon to find at least three-fourths of the children in our northern primary schools reading books of general information with very decided fluency; but it is by no means so common to find even the highest class reading with much delicacy of expression. A certain rough, and not ineffective, power of emphasis has been everywhere secured.'

The *Rev. F. Watkins* (Report 1858–9, p. 43) says:—'Has it [the educational system] been sufficiently practical? and above all things, has it aimed to fit children for their work in life—for that position which must be the lot of the million, and not for that high career which may be reached, and in a free country like ours is reached, by one in a thousand?' (P. 44): 'I am continually informed by clergymen and other managers of schools that they observe great improvement in the conduct of school children; that they are more civil and docile, less coarse in language, less addicted to wanton mischief, less cruel to and careless of other animals than they were a few years ago in the same locality.'

Such then being the reports of four of our principal and most experienced inspectors, and which cannot but be considered on the whole to be favourable to the verdict that twenty-five years ago the kind of education given to the youth of the lower classes of England was good and sound, may we not, from the vastly increased proportion of adult teachers now employed in our schools—many of them, nay, most of them by far, children in those very schools favourably reported on at the above date [1858]—gather that the nature of the elementary education now given in our National

and Board Schools is decidedly good, and in the main, at least in so far as mere mental education is concerned, well fitted to make provision for the requirements of the children of the labouring classes?

England needs that every section of her community shall have the best education that the country can afford. The verdict of the inspectors is that the schools for the working classes are now so well managed, officered, and provided with all requisites, that they are giving an education which promises soon to surpass that offered to the children of the lower middle classes, very many of whom indeed are now forsaking the showy but delusive 'academies' which stud the face of the land, and where, too often, the highness of the fees is the only existing indication of superiority to the cheap public schools, provided by private liberality or School Boards, and supplemented by grants from the Government. That this was the intention of the Elementary Education Act of 1870 its promoters have over and over again denied; but most things have, in this world, to be taken as they are, not as they were intended to be. The astute tradesman, the struggling professional man, the rising artisan and the heavily-taxed farmer will not stand by and see the earnings of their labour mulcted of so much in the pound to help to educate the children of the classes just below them, and not endeavour to reap some benefit for themselves from the schools so generously provided; particularly when the specious acquirements of the class of schools that private adventure has mostly provided for them are seen to fail so greatly in advancing the true education of their own offspring.

Now let us take the evidence of four inspectors as to the work of the schools at the present time, after twenty-four years' interval, in order to see what work is expected of trained teachers of the present day.

W. H. Brewer, Esq. (Report 1882–3, p. 253), says:—'School accommodation is ample, and largely and increasingly used. I believe, too, that the work done in the schools has made an equal advance, and that children and parents get a good return for the sacrifices involved in a compulsory system of education.' (P. 254:) 'As compared with their condition when I last reported [1878], I can with confidence say of the schools in my district that they are in every way improved. The results are higher, the methods of teaching are better, and *education*, as distinct from mere *instruction*, is made more the teacher's aim.'

J. G. Fitch, Esq. (Report 1882–3, p. 313), says:—'It is difficult for me adequately to express my sense of the high character, self-devotion, and industry of the whole body of certificated teachers . . . . I see constant evidences, not only of skill and diligence within the walls of the schoolroom, but also of the valuable personal influence exercised by many of the teachers on the surrounding neighbourhood, and of the respect in which they are held by the parents.'

The *Rev. H. Adair* (Report 1882–3, p. 414), says:—'Of the general progress of education since I received my appointment no one can doubt. I should like to add my testimony. By the time this report is seen in print I shall have entered the twentieth year of my inspectorate. Some few months after I received my appointment I recollect bestowing great praise on the master of an important boys' school, because he had presented a fairly sized first class to be examined in the fourth standard, and in that they had done well. . . . *Now*, there are few schools in which some children are not in the sixth, or even the (future) seventh standard, while in all schools to which I can give praise, geography, grammar, history, and needlework are well taught.'

The *Rev. Canon Routledge* (Report 1882–3, p. 431) says:—'When I cast my eyes back fourteen years ago (when I first took charge of the East Kent district), I am pleasurably astonished at the marvellous progress that has taken place in almost every direction. It is no slight matter that during this period infant schools, instead of being too often dull refuges and mere nurseries for babies, have become centres of energy and life, models of moral and disciplinary training, which the upper classes positively envy; that the almost universal instruction of the elder children in such subjects as history, geography, and grammar has relieved the monotony of teaching, and widened their mental range.'

The country then will look for it, that any system proposing to provide teachers for the primary schools shall at least keep up to this standard of efficiency; nay, as the years roll on and experience gives knowledge of better methods of teaching, that the teachers shall themselves be improved, and so trained as to take full advantage of every new help to the advancement of education.

2. 'What the pupil-teacher system is, and how fitted to fulfil such requirements.'

None can have lived amid the hubbub about schools that has for the last thirty or forty years been sounding in the

ears of all classes, without having acquired, willingly or unwillingly, some knowledge of the nature of the pupil-teacher system.

Taken to some extent, it would seem, from a plan in vogue among the teachers of middle-class schools, especially in those for girls, in which some of the cleverer and more necessitous scholars were chosen to help to give instruction to others less advanced, while being further educated themselves; that which had obtained (and still does obtain) favour in these middle-class schools has been elaborated into a system, fostered and aided by the Committee of Council, until it has grown into a component part of the primary school equipment; not only so, but furnishes from its ranks the main part of the host of teachers required for the National and other schools for teaching the children of the poor.

The method is to choose out the most promising scholars, offering them a small remuneration, and by giving private instruction out of school hours, to help them forward with their own studies; and thus, just at the age from fourteen to eighteen, when the mind is brightest and most receptive, to foster its growth, and prepare the pupil for the training college, where full advantage for progress is offered, so that by careful training and judicious instruction for two years more, the youth of both sexes are fitted to become, at twenty or twenty-one years of age, either teachers of small elementary schools or assistants in large ones.

It will be readily seen that, generally speaking, these teachers, brought up in the elementary schools themselves, have the advantage of being fully able to understand the capacities, to sympathise with the difficulties, and to be able to travel side by side with the intellectual advancement of those they instruct. And great gain, doubtless, results therefrom. Evidently, unless there be some strong points of contact between the minds of teacher and taught, very little real help can be given by the former to the latter. But it has been found that in those few and favoured localities in which, by force of circumstances, the pupil-teachers have been drawn from a stratum of society above that of the scholars attending the elementary schools, a decidedly better tone has been communicated to the children, and that, *cæteris paribus*, the rate of advancement has been greater. Never, however, will this infusion of a superior element from the schools of the lower middle class reach to a point greatly affecting the pupil-teacher system, until the

schools themselves for the middle classes have been greatly improved. This, indeed, is now being done by pressure from below; the evident superiority of the elementary school system, with all its drawbacks, forcing itself on the attention of both parents and teachers of the middle classes.

It must not be supposed, however, that the growth of the pupil-teacher system has been one unobstructed, onward progress. Education, especially in years now gone by, has been too much looked upon as a luxury for the rich, not a necessity of the poor. Hence, commerce, self-interest, and the unappreciated, because unknown, good of education by the lower classes themselves have one and all served to hinder the growth of a system which really can only be fostered by *great present* self-denial, in view of *ultimate* great benefit. The very prosperity of the country has militated against the greater success of the pupil-teacher system, as we may see when we consider the temptation for parents of lads who could as operatives, clerks, and even as errand boys at once earn wages in many cases double those offered to the pupil-teachers; the girls even being able to earn far more in the factories than as pupil-teachers, with the comparatively unrestricted liberty of the former life in contrast with the restraints of the latter.

Then, again, the action of the Committee of Council, tentative—from the complete inexperience of all classes of the community in regard to educational matters—as it must be, has not at all times been helpful to the steady, onward progress of the system. But, assuredly, the most retrogressive step was the Code of 1862, whereby the rate of advancement in primary education, which had been steady and satisfactory ever since the introduction of the pupil-teacher system in 1846, was rudely and summarily checked, and the work of the schools, instead of being directed towards *educating* the children, was tied down to such requirements and hampered by such regulations as could only result in stunting the growth of the mind, and well-nigh smothering out the intellects of the scholars.

Naturally, the pupil-teacher system felt the full force of the mischief. Depending for the supply of its candidates on the best and most advanced children in the schools, when the studies of these were rudely interfered with, and a cut-and-dried system (by standards) only encouraged, the quality of the minds offered as material for working upon to form pupil-teachers first, and students in training colleges afterwards, may be imagined.

Let us now take the verdicts of H.M. Inspectors of Schools, and of others qualified to judge, of dates before the Revised Code of 1862, after it, and of late years, to see the worth of the pupil-teacher system, and to test its capability to meet the requirements of the country for well-trained teachers in elementary schools.

The *Rev. F. C. Cook* (Report, 1858–9, p. 21) says :—'In good schools the results [of examinations of elder scholars] show that very many spell correctly, write neatly, work the higher rules, including fractions and decimals, with tolerable readiness; and sometimes express themselves in very good English. I do not think that such exercises, performed by boys whose age upon the average does not exceed eleven years, are unsatisfactory. The fact may be tested any day in a good National School.' (The result of pupil-teacher teaching.)

Joseph Bowstead, Esq. (Report, 1858-9, p. 155), says :—'All my experience tends to convince me more and more of the value of the pupil-teacher system as established by the minutes of 1846; and I should see with regret any shortening of the term which future teachers now spend in carrying on, in a subordinate capacity, the detail work of our elementary schools.'

C. H. Alderson, Esq. (Report, 1858-9, p. 177), says :—'A fresh year has only strengthened my conviction of the excellence of the pupil-teacher system. No direct grant of money could ever confer so much real benefit on a school as the creation from among its ranks of an efficient staff of subordinate teachers.'

J. W. M. Marshall, Esq. (Report, 1858–9, p. 183), says:—'Of the pupil-teachers it will suffice to say that they continue generally to give satisfaction, and that many of their number promise to become hereafter invaluable agents in promoting the further progress of popular education. It is superfluous, after all that has been said on this subject, to speak of the services which they render, or of the unanimity with which they are appreciated by school managers.'

The Royal Commissioners' Report, vol. ii., p. 263, *Mr. Coode's* evidence:—'The greatest boon of all, without which all the rest must have remained almost without effect, has been the creation of a class of teachers (pupil) trained systematically to their work, and performing it yet under such control, and the operation of such motives, as tend to make the benefit manifest to the dull comprehension of a population sunk in ignorance.' Vol. i., p. 102: 'Almost all the

evidence goes to prove that the effect of the presence of pupil-teachers upon the condition of the schools is very beneficial, especially when it is compared with the influence exercised over the schools by monitors. . . . The evidence of the Assistant Commissioners is unanimous as to the superiority of schools in which pupil-teachers are employed.' Vol. iv., p. 73: *Mr. M. Arnold's* evidence when before the Commissioners:—'Pupil-teachers, the sinews of primary instruction, whose institution is the grand merit of our English State system, and its chief title to public respect; pupil-teachers, the conception for England of the founder of English popular education, Sir James Kay Shuttleworth—in naming them, I pause to implore you to use your powerful influence to preserve this institution to us unimpaired. Entreat ministerial economy to respect a pensioner who has repaid the outlay upon him a thousand times. Entreat Chancellors of the Exchequer to lay their retrenching hands anywhere but here. Entreat the Privy Council Office to propose for sacrifice some less precious victim. No private liberality can create a body like the pupil-teachers.'

These earnest words came from a gentleman who had been chosen to investigate the condition of education in France and Holland. The evidence of witnesses before the Royal Commissioners of 1859 is in the main full of praises of the pupil-teacher system.

And now pass we on to the evidence of those capable of judging on the work, *after* the Revised Code had been in operation sufficiently long to show the tendency of its more prominent features—whether for good or ill—on the cause of popular education. We select the year 1870.

The *Rev. M. Mitchell* (Report, 1870–1, p. 113) says:—'There seems to be an increase in the number of pupil-teachers employed, but many of them only serve three or four years, then go to other employments of better pay and less labour. In the year 1870 no male pupil-teacher seems to have been examined [in my district] in the fifth year, and only thirteen in the fourth and third years, out of a number of seventy-eight apprentices and candidates.' P. 125: quoting from the Report of 1862, Mr. Mitchell writes:—'In consequence of the recent alterations, the candidates for pupil-teacher apprenticeship have declined, and pupil-teachers completing their apprenticeship are unwilling to enter training schools, not a third intending to complete the course.' In 1863, the Report says:—'In the number of candidates and pupil-teachers, there is a great falling off'

(p. 126). In 1865–6, the Report says:—[Some] 'schools have returned to the monitorial system.'

The *Rev. F. Pryce* (Report, 1870–1, p. 153) says:—'The number of apprentices in my district is steadily increasing; some managers, however, complain that they cannot induce children to offer themselves as candidates. . . . The apprentices we now generally obtain are inferior to the class which offered themselves some years ago; this is a point of much importance, as it affects the character of future teachers.'

The *Rev. George Steele* (Report, 1870–1, p. 196) says:—'I cannot help feeling that something needs to be done [in reference to the supply of pupil-teachers] to attract into the service a higher and better educated class of candidates than the present system encourages. The social class from which pupil-teachers ought to be drawn, as it seems to me, is not that of labourers and artisans, or at any rate, not of the lower grade of artisans. There is a large body which may be designated the lower section of the middle class, who are sufficiently near the working class to understand them and sympathise with them, and at the same time sufficiently superior in position and culture to be their instructors.'

The *Rev. D. J. Stewart* (Report, 1870–1, p. 208) says:—'During the last two years more candidates have failed to pass the prescribed examinations for admission to apprenticeship than I ever noted, and several of those who have been admitted seem to have succeeded by good fortune rather than by positive merit.'

W. Williams, Esq. (Report, 1870–1, p. 280), says:—'As long as the stipend of pupil-teachers is fixed by the managers, or perhaps in some cases by the teachers, and the facilities for terminating the engagements are so great, and teachers do not get any direct remuneration for teaching them, I do not see much reason to hope for improvement in their condition.'

Clearly it may be seen from the Reports above that the inspectors perceived a great declension in the state of elementary education as affected by the introduction of the Revised Code, especially in its bearing on the work and status of the pupil-teacher. And now let us take the evidence of the inspectors as regards the system at the present day, with the brighter prospects opened out to all concerned in the elementary education question, bringing back as it does in the *inspection* of schools as well as their examination by standards the best features of the Old Code, wherein not only '*results*' merely to be measured by

'standard work,' but wherein also the ascertaining and assessing at its true value the improvement of the intellectual capacities of the children shall find a place: albeit the very important part—that of the religious education of the children in any proper sense of the term—is still left out in the cold.

H. E. Burrows, Esq. (Report, 1882–3, p. 272), says:—'Although among the pupil-teachers I observe several cases of remarkably rapid development of practical skill, I cannot speak highly of their attainments. It is becoming more difficult every year to find suitable candidates, or to persuade the more intelligent scholars to consent even to a short apprenticeship, in these days when freedom from restraint is coveted more than material prosperity.'

H. W. Claughton, Esq. (Report, 1882–3, p. 290), says:—'The work of the pupil-teachers is certainly better than in former years; but I should like to see more attention given to their instruction in the art of teaching.'

H. W. G. Markham, Esq. (Report, 1882–3, p. 392), says:—'The weakest point in our educational system seems to be the pupil-teacher. The long hours in school exhaust many a bright and studious boy or girl; if he throws vigour into his teaching, his own studies suffer; if he devotes himself to study, he has little energy left for managing unruly children.'

The *Rev. H. Sandford* (Report, 1882–3, p. 454), says:—'The pupil-teachers continue to do well in the schools of the district. I think what is wanted is more time for systematic study, and that young teachers should not have to begin their lessons when they are fatigued with teaching; and that, if possible, better candidates should be presented in the first instance, that they may have the advantage of a good start. If teachers work well and hard during school-hours, the time is long enough for any of them.'

J. H. Wylie, Esq. (Report, 1882–3, p. 489), says:—'The work of the pupil-teachers shows good progress, in correspondence with that of the elementary work of the school. Candidates come up for apprenticeship much better prepared than formerly, and the work of each year shows an advance which in every way satisfactory.'

From these Reports of Her Majesty's Inspectors we gather though there are features in the pupil-teacher system, a as the inferior class that often present themselves as didates, the exhausting nature of their work (intensified the present moment by the foolish rivalry for high pertages), which interferes with progress in their own studies, e., yet that on the whole it is a system for the successful

development of which the English nation may be proud; and although the full benefits as a means of providing assistants to the principal teachers, as well as being a source of supply for the training-colleges, are not yet fully developed, so as to give complete assurance that in no respects it may be further improved upon, yet we may safely aver that its full success, if the system is duly and carefully watched, is assured and will eventually place England where she ever ought to be, at the head of all nations, in this most important question of the education of the great masses of the people.

3. 'What the training-colleges are, and how fitted to prepare pupil-teachers for their work as well-trained teachers of elementary schools.'

Well adapted as the pupil-teacher system is to bring forward the best fitted of the elementary school children, using them to assist in the work of teaching at the same time that they are, with the head-teacher's help, going on with their own education, it is clear that at eighteen or nineteen years of age the merest elements of learning, gained in this half-scholar half-teacher way, can have been acquired. Consolidation of learning, acquiring knowledge of the best methods of instruction, concentration of the mind so as to balance the working of the intellectual faculties, and, above all, the imbibing of those religious and dogmatic truths which at such an age are most deeply and permanently impressed on the mind, make the period of the training-college the most important to the youth of both sexes.

Government has repeatedly, and, it must be allowed, wisely, refused to give in to the pressure brought to bear on it from many quarters, *to establish* and maintain training-colleges on non-denominational or secular bases. Supplementing, as it professed to do in 1870, the efforts of religious and other bodies in providing for the educational wants of the country by the establishment of compulsory non-denominational schools, it yet shrinks back from undertaking such responsibility in regard to providing the teaching power. Thus the providing of training-colleges is left to the educational sympathies of the various religious bodies in the country.

For a long time almost the only training-colleges were those of the Church of England, chiefly in connection with the National Society, or under diocesan control; but of late years, the British and Foreign School Society, the Wesleyan Board of Education, the Roman Catholic Poor Schools Society, and other educational agencies have taken up the work.

In 1858, *thirty-three* training-colleges provided for 1,923 students, or rather that number was in residence, of whom 1,603 belonged to the twenty-six Church of England Colleges.

Now, in 1882, we have:—

	Students
30 Church of England Colleges, in which are	2,229
5 British and Foreign School Society's Colleges, in which are	460
3 Roman Catholic Colleges, in which are .	230
2 Wesleyan " " .	239
2 Congregational " " .	57
or 42 Colleges containing	3,215

Another College at Saffron Walden has been opened by the British and Foreign School Society this year, with accommodation for fifty more students, raising the total to 3,265 students in training-colleges.

So that, allowing two years' residence to the students, we may calculate on sending out 1,600 trained and certificated students every Christmas, to be added to the army of certificated teachers; and this quite irrespective of the probationers arising from the large number of candidates at the July examinations of pupil-teachers who pass the required standard, but who cannot be accommodated in the training-colleges. These amounted in 1882 to 606 males and 1,489 females, total 2,095, who might all be employed as assistant teachers, or as principal teachers in schools of less than sixty in average attendance.

Then, too, graduates of any university in the United Kingdom, and women over eighteen years of age who have passed university examinations recognised by the Government, may be employed as duly qualified assistant teachers. The granting of certificates to acting teachers without examination is now rightly abolished.

So that now we have an annual supply of from 3,600 to 3,700 teachers to recruit the large staff of nearly 58,000 principal and assistant teachers of all kinds (not being pupil-teachers) employed in our primary schools, and recognised by the Government.

Year by year the condition, work, prospects, and professional value of the various training-colleges are carefully and critically tested by the chief inspectors of the Committee of Council on Education. No part of the training-college work, no building, no student is left out of consideration:

nor shall we be surprised at this carefulness when we know that nearly *three-fourths* of the annual expense of these institutions is borne by the Government. The buildings, fittings, &c., of the various colleges are the property of the several religious societies to which they owe their foundation, and all that the Committee of Council seeks to do is to satisfy itself that the handsome proportion of the expense borne by it is laid out to the best advantage for the purpose contemplated, *i.e.*, the sending forth the fifteen or sixteen hundred trained students as well equipped for their work as it is possible to do.

What, then, is the verdict of the inspectors as to the efficiency of the training-colleges, the most important factor in providing for the teaching power of the elementary schools, after the pupil-teacher system itself; nay, the requisite complement to, and the crowning glory of, that system?

The *Rev. T. W. Sharpe*, 'On Training-Colleges for Schoolmasters' (Report, 1879–80, p. 489), says:—'The results of the examinations at Christmas 1879 are very encouraging. It will be seen that nearly all the reports of the examiners are favourable, and speak of progress as compared with former years.'

The *Rev. Canon Tinling*, 'On Training-Colleges for Schoolmistresses' (Report, 1879–80, p. 511), says:—'It is with the most sincere pleasure that I report the great body of students under training to be thoughtful and earnest, willing to obey the rules of the college, diligent in their studies, and esteemed, almost without exception, for their moral and religious life. I make this report not only from what I have myself seen and noticed, but also from official and private accounts I have received from the authorities of the different training-colleges, and from H.M.'s Inspectors of Schools, who have watched the various teachers in their respective districts.'

The *Rev. T. W. Sharpe* (Report, 1882–3, p. 528) says:—'The general tenor [of the reports on the work of the students] encourages the hope that there is a steady advance in the quality of the work both at admission and at the completion of the course.'

The *Rev. Canon Warburton*, 'On Training-Colleges for Schoolmistresses' (Report, 1882–3, p. 562), says:—'No one who is even slightly acquainted with the subject can doubt that, allowing for drawbacks due to the defects of their earlier instruction, these young women are, during their two years' training, receiving a "good education," as good,

perhaps, all things considered, as they could be receiving in any institution, public or private, in the country.'

To sum up then. The just requirements of the country for well-trained teachers in elementary schools have met with a good response in the pupil-teacher system, and with the provision of the training-colleges, especially when we consider how other agencies besides those of the Church of England educational societies are waking up to a more thorough sense of the responsibilities cast on them to provide teachers for the schools they severally affect, whether denominational or non-denominational.

The system of *nine* years' training of teachers—*five* as pupil-teachers, *two* at the training-college, and *two* under probation—has deservedly excited the admiration of educationists in other countries, and must lead, if faithfully and wisely carried out, to the providing of a body of teachers second to none in the world.

To show that this question is well deserving of the attention of so practical and important an association as this, it is only necessary to state that in the elementary schools of England last year there were—

3,127,214 scholars in average attendance,
3,705,388 scholars present at examination.

with	37,280	certificated teachers.
„	12,390	assistant „
„	3,157	certified acting teachers.
„	3,987	provisionally certificated teachers.
„	26,428	pupil-teachers.
Total	83,242	recognised teachers.

The cost of the grants to schools alone was 2,522,541*l.*, and the training-colleges in 1882 cost the Government 110,182*l.* out of a total expenditure by the college authorities of 158,308*l.*

DISCUSSION.

The Rev. Dr. Crosskey (Member of the Birmingham School Board) said he was obliged to object to almost every point in Mr. Gibb's paper. The national provision which now existed for training teachers of the public elementary schools was utterly inefficient. It needed to be revised in every direction. They would never have a national system of education rightly administered without the most vital and complete change in the present system. As regarded training-colleges ecclesiastical test-

ought to be entirely removed. As long as the great profession of national education was subjected in the training of its teachers to extreme ecclesiastical tests, education must necessarily be degraded. The freedom of the people was also outraged, for they suffered educationally quite as much as in every other direction. When three-quarters of the cost of training-colleges was provided out of the public funds, the system ought to be national, and in order to enter the profession of a national school teacher, no one whatever ought to be subjected to ecclesiastical tests. This department was fortunate in having the representative of a great university in the chair, representing its educational attitude. He appealed to the universities of England, on behalf of those engaged in the education of the masses of the people, to take the lead now in delivering the training-colleges from ecclesiastical bondage. Take the pupil-teacher system. There was no doubt that that system had, up to the present time, filled a gap in our national education. But there was something radically wrong in the system of children being educated by children. It had done good service when there was nothing else; but in the development of national education the system must be finally abandoned. There was no wonder that young pupil-teachers became over-worked, and broke down. Who could practise a profession and study for it at the same time to the extent that pupil-teachers had to do? It was time for advanced educationists to set their feet firmly down upon any further extension of the pupil-teacher system. The man who knew the most could teach the rudiments best. The man who knew much could best teach those who knew little. Pupil-teachers were expected to devote a good deal of their time every day to educating themselves, while at the same time their employers took as much time as they possibly could from them for teaching children. If the pupil-teachers did these two branches of their work thoroughly, they must almost of necessity break down. Could any class of professional men practise and study at the same time to the extent that pupil-teachers had to do? Certainly doctors and lawyers could not. Under this system these young teachers became mere little machines at their work. In fact the system was bad in almost every respect, and he did not think the country would be even at the beginning of a proper system of education until they acknowledged that the pupil-teacher system must gradually go. They might have half-time pupil-teachers to begin with, and little by little prevent the employment of them in the proportion in which they were now employed. Educationists must not rest until they had reduced the system and ultimately abolished it. No denomination had a right to conduct a school on the principle that, in order to have it cheap, they were to have bad educational appliances and bad provision for teachers. The proper training of teachers had not yet been effected in England by the systems they had been employing. In many training-colleges they were placing a burden on the consciences of students which they had no right to put. It was a national wrong. There ought to be no training-college for national education in which the course taken in the universities was not followed. If it was a question of money, why, let them look at the millions which had been spent on wars; the time was come when the country ought

to demand a larger expenditure upon national education instead of squandering its resources in so many profitless directions. And while reducing the pupil-teacher system, they must look forward to the time—and it must come—when in no school worthy of the name would there be any teacher who was not an adult trained for the work. There was a good deal in the suggestion of Mr. Davis that the Government might meet them largely in one direction by really giving a substantial allowance to School Boards when the teachers took their certificates. It was really the money which they wanted. The Government should pay the School Boards properly for enabling their teachers to obtain these certificates; that would greatly relieve their work. One other point with regard to the ecclesiastical tests. Out of the total number of teachers in colleges there were 2,725 who were compelled to sign creeds, more or less. There were places for 572 only who were not. He did think the country had a right to call upon any Government to give a larger grant to School Boards when they engaged in the work of training their own teachers, as well as to insist upon the removal of ecclesiastical tests from colleges receiving the greater part of their cost from national resources. A state-supported training-college ought to be as free and open as a national university. In default of this, School Boards should be encouraged by sufficient grants to train the teachers recognised by undenominational schools.

The Rev. Canon Bowlby (Birmingham) said that everybody would agree with the last speaker in regarding the pupil-teacher system as a plan which had been adopted to fill up a gap in a temporary manner, in the hope of attaining at last to some better mode of supplying the education in elementary day-schools. But he was afraid that they were a long way from the time when they would be able to induce the Government or the ratepayers to provide for the additional expenditure necessarily involved in abolishing the pupil-teacher system, and substituting for it a system of trained teachers to take the entire charge of the education of the children. Having watched the pupil-teacher system for a great number of years, he had come to the conclusion that it would be very desirable to substitute for it a system of education by trained teachers entirely. But he could not anticipate the time as being near at hand when that system of education could be fully adopted. In the meantime, he thought too great pressure was placed upon pupil-teachers, and especially upon female pupil-teachers. It was a thing almost unheard of in any other department of life, that a boy or a girl between fourteen and nineteen should be asked to spend five hours of the day standing on his or her feet to give education and keep order and discipline in school, one more hour in being instructed themselves, and possibly two or three hours at home in preparing some lessons. There was a sum-total of eight or nine hours per day expended by a child in hard intellectual work and physical fatigue, at a period of life when health ought to be especially watched over. With regard to the supply of teachers for the future, they were certainly in a transition state at the present time, for the training-colleges were unable to send out more than 1,500 or 1,600 teachers per annum, and the number required

satisfy the annual demand must be about 3,000. It was quite clear that the work done in the college consisted far more in the acquisition of additional knowledge than in the teaching of method; experience showed that untrained teachers were often as successful as those who had been to college, not only in their intellectual attainments, but in the results which they obtained with the children. He would really be at a loss at that moment to say where the palm of excellence was to be given. At the same time, he did not undervalue the importance of training in the colleges, for it was one of the problems of the day how an additional number of college-trained teachers was to be supplied. He did not think that the religious bodies, to whom allusion was made by Mr. Gibb, could be expected to do more than they had already done in the supplying of training-colleges. They had done their work, and they could not go on adding to it in anything like the proportion required by the growth of the population. He felt obliged to take objection to some of the remarks of the last speaker as to ecclesiastical tests in colleges. Training-colleges had been built entirely at the cost of private persons, who had combined together for the purpose, and were assisted in the annual expenditure only by grants from the taxation of the country, and this was part of a national system of education which had been carried on with general approbation. Some years ago an attempt was made to establish a secular college at Kneller Hall for the purpose of training teachers for poor-law schools, and, although the college was placed under the charge of a man so distinguished as the present Bishop of Exeter, yet, so lamentably and poorly supported was it, that it was at last given up. Religious bodies establishing their own training-colleges for their own people had been aided by a Government contribution of three-quarters of their annual expenditure. The hardship alleged by the last speaker was that the taxes of the country should be used at all to support denominational colleges. It must, however, be remembered that this was only a part of the general system hitherto pursued in national education. He did not think that the average candidates for the office of pupil-teacher deserved to be spoken of in the way the last speaker had done. As a rule, they were children who showed a great aptitude for teaching. They were above the average of children in the schools. At the same time they ought to have one or two years' more instruction, after having passed the upper standards, before they were allowed to teach. One remedy for the excessive work of pupil-teachers would be that their number should be increased, and that the days on which they received instruction should not be the same as those on which they imparted it. There ought to be a rota of pupil-teachers—one day giving, and another receiving instruction. That would in some degree remedy the evils complained of. Another class of persons who were overworked, besides the pupil-teachers, was the teachers themselves. They were required to instruct their pupil-teachers, and to perform a larger amount of clerical work than formerly —keeping registers, striking averages, etc., and they really could not be expected to maintain the amount of efficiency that was looked for from them. Some remedy was wanting in that direction, although the system had answered remarkably well considering all the difficulties.

Yet the present system of supplying teachers needed improvement, and he hoped the improvement might be to some extent promoted by the discussion which had taken place that morning.

Mr. A. SONNENSCHEIN (Anerley) said that from his own experience he was able to endorse everything Dr. Crosskey had said. It was nothing but the plainest justice that the training-colleges should be national training-colleges. He would give an illustration from one college with which he happened to be intimately acquainted. It was a denominational college, partly supported by voluntary subscription—nominally so; but really the grant they earned gave them such an abundant supply of money that they could now afford to do without subscriptions. Now, except the original buildings, it was partly supported by the fees of the students, but mainly by Government grants. There were for the last three vacancies about eighty applicants, and one of the highest amongst them was a young Unitarian. Although his position and qualifications were acknowledged to be excellent, others were preferred to him. He was not excluded upon religious grounds, but he was informed that he would not be able to participate in the social and domestic life of the college to his own satisfaction. This seemed to him an act of injustice. They had no right to thus practically exclude him when the college was supported, even to any extent, by public money. It was rather late in the day to have to speak against the pupil-teacher system. One of the bravest, most intelligent, and foremost educationists, Mr. Mundella, had resolutely set his face against it. A teacher required an abundance of resources to meet difficulties when instructing children. It was necessary not only for him to be acquainted with isolated facts, but he must know the fitness and relations of things. The French had imitated us, and tried the pupil-teacher system, but they had abandoned it wholly. Germany, Switzerland, and Holland would never listen to it. Denmark had tried it and largely extended it, but on totally different lines from the English. He had seen subtraction lessons given by pupil-teachers which were really an insult to the intelligence of the little ones. It was said that they were called upon to teach classes, and not individuals; but it must be remembered that pupil-teachers were in the schools for the good of the children, and not the children for the pupil-teachers' good. Then there was the overwork of the pupil-teachers, which was really a sorrowful thing. It behoved all educationists to aim at the total abolition of the pupil-teacher system with all possible rapidity, so that the work of education should be entrusted only to fully competent adult teachers. As to the training-colleges, they wanted reformation in many ways. But let it be remembered that they supplied certain articles—they had a commercial aspect. The Education Department was to some extent to blame for having introduced a mechanical code of teaching, producing mechanical results in our system. As a result, elementary school-books were used which are greatly inferior to those formerly in use—such excellent little books as Tait's Arithmetic for example. The present books were used simply to grind the pupils up to the mechanical standards. As for the expense of employing none but qualified adult teachers, if poor Germany could

afford to give to her children none but good teaching by trained adult teachers, wealthy England ought not to stay behind.

Mr. T. E. Heller (Member of the London School Board) was sorry that they were to a great extent compelled to discuss this question of the training of teachers from the standpoint of the elementary teacher only. It was a great pity that the training of teachers of all classes, so far as the science and art of education was concerned, should not be one and undivided. The pupil-teacher system was one which, from the fact of having gone through five years of pupil-teachership himself, he had some little acquaintance with. It was, as had been said by a previous speaker, the filling up of a gap in our national education. He could agree with much that every speaker had said, but not with everything stated by any speaker. They had had the two extremes of the question placed before them. The pupil-teacher system had occupied a middle stage in the progress of national education. It was a mere development of the monitorial system instituted by Bell and Lancaster. Taking the general results of school-work for the past thirty or forty years into consideration, it might be said that substantial results had been derived from the monitorial and pupil-teacher systems. But the time had, no doubt, come when another decided step in advance must be made. There was one small point in connection with the system which was a good one, and which he should regret to lose when it should pass away. It had been the most fruitful means of making provision by which the most promising children of the poorer classes could obtain higher education. In a town like Birmingham, they must not forget that the pupil-teacher system had taken the place of a grand endowment for giving to the most capable children of the poorer classes an opportunity of attaining positions in the higher professions. It was quite right that the thousands of children now brought by compulsion into the schools should not be placed in the hands of indifferent or incompetent teachers. The time of the children in the schools was really too short, and, therefore, the best possible teaching was required. No doubt the pupil-teacher system had been largely supported because it was a cheap one. But the country was approaching the time when they would say: 'We must have efficiency, and we must pay for it.' On the London School Board, under the management of Mr. Wilks, they were adopting a system by which the pupil-teachers were only to give a limited amount of school-teaching during the last two years of their apprenticeship, while private classes were provided for their instruction. With regard to training-colleges, these colleges had, in the same way as the pupil-teacher system, done very much towards securing the present position of education in the elementary schools of the country. It would not be right for anyone who knew what had been done during the last twenty years to deny that these institutions had been a fruitful source of strength in the national system; but the time had come when some modification was required in the management and curriculum of the colleges. With regard to their number, he thought it would be a happy time for the schools when they should adopt the rule that no teachers should be placed in the charge of

schools unless they had had training. He did not agree that the trained teacher was not superior to the untrained teacher; his experience was entirely in the opposite direction. He had found, certainly, that many teachers in their defective training had lost some of the power and control which they had before they went to college. But they soon picked it up again, and in the course of a few years they were far better than the average untrained teacher. The two years of residence in the college, under the control of collegiate discipline, and in contact with minds of their own age and engaged in the same pursuits, were the only element in the life of the elementary school teacher which was at all analogous to the university training. Many of the so-called 'acting' teachers who had been let in since the year 1870 were not only very poorly equipped in the matter of attainments, but also formed to a great extent the weakest part of the teaching staff in the elementary schools. He agreed that the denominational colleges stood in a somewhat anomalous position. It was a bad system that when the lists of successful candidates came out scholarships were not awarded by the Department's Code, but by the training-college authorities. The growing number of board schools rendered it necessary that if the training-college system were to be extended it should be placed under national control. He failed to see why the general education of teachers should be separated from the general education of other classes. It would be a good thing if the training-colleges could be brought into direct contact with the great universities. In fact, he hoped more from that direction than from any other step that could be taken; and it was desirable that the college curriculum should be modified accordingly. Why should half of the students' time be wasted in training-colleges in acquiring a host of mere dates and figures, in geography and history, which they could look out for themselves in teaching afterwards. Whatever change was made should be under national control, and should not be left to the chance efficiency of local bodies.

Mr. W. H. Greening (Member of the Birmingham School Board) said there could be very little difference of opinion in the department as to the future abolition of the pupil-teacher system, for that system must ultimately give place entirely to adult teachers. But there were other considerations—for instance, there was the ratepayers' side of the question, and the representatives of large constituencies could not get away from that fact. The first thing was to popularise education, and to make both ratepayers and parents glad for the children to have it. To make education too expensive was to make it unpopular. The gradual development of the system of adult teachers was the only policy which could find acceptance generally throughout the country. Dr. Crosskey referred to the millions spent on war, but the country did not willingly spend any of that money. But Dr. Crosskey wished the country to spend money lavishly in order to do away with a particular system which he did not favour. In a town like Birmingham, for instance, where there was such an enormous amount of taxation resting on the shoulders of the people, they were bound to approach this question with some reference to the possibilities of the situation. They

ought not so to deal with it as to let the purely financial aspect of the question defeat the attainment of the reform desired. What did Dr. Crosskey mean by a national system of training-colleges? Did he mean a national system of secular training-colleges? That was undoubtedly what he meant, but a secular system of training-colleges would not be a national one. The national sentiment was in favour of training-colleges which would recognise that intellectual training and culture in schools was a great thing, but that moral and religious teaching was of more importance still. The Birmingham School Board in no way reflected the general feeling of the country; that board was in an absolute minority on the religious question. Most School Boards were in favour of unsectarian religious teaching being imparted to the scholars. In the matter of developing the training-college system, the religious question came right to the top. Besides, it must be borne in mind, that in the college proposed by Dr. Crosskey a far larger number of teachers would be educated than could be employed in board schools only, seeing that happily so large a proportion of the education of the country was carried on in schools not under School Boards, and the result of the adoption of his secular proposal would be that a large number of teachers would leave these colleges not qualified for the posts in such schools, because of the want of religious training, which would have been denied to them in the institution proposed by Dr. Crosskey. The policy of the London School Board in reference to religious teaching was one which, he believed, was generally acceptable throughout the country, and he wished they had it in Birmingham. Dr. Crosskey argued for the mere degradation of the national system to the secular level. But he (Mr. Greening) thought that Government provision ought to be made for a national system of training teachers, who would receive unsectarian religious teaching, and not be left to purely secular organisations.

Mr. Rowland Hamilton (Hon. Secretary of the Department) said 'Government' could not suddenly cut down existing institutions, and supersede our existing system of training teachers; it was impossible. It had grown up in the course of many years. England was not likely to follow the German system, as our whole social and political instincts were widely different. Our system, from the very first, had been one of grants in aid of local efforts. The Municipal Corporations Act was another step in the development of the English method, which required that there should be responsible local bodies able to speak with due weight to the Government. What was wanted was, the formation of more efficient agencies for advocating and explaining local interests and local needs, acting, nevertheless, under the ultimate control of central authority. One great advantage of the pupil-teacher system, which in the sweeping condemnations of it should not be forgotten, was the value of an early training of those who had to acquire the art of teaching. The suggestion that pupil-teachers should work 'half-time' was a very practical one. It would enable these young teachers to do better work in the schools, and, without undue pressure, fit themselves for more advanced work hereafter.

The President of the Department (Mr. Oscar Browning) said he

was glad to hear the suggestion which had been made, that the training-colleges should be in some way connected with the universities. A plan had been inaugurated—but not at present, he was afraid, with any permanent success—for attempting a scientific system of training teachers. With regard to secular training, he entirely agreed with Dr. Crosskey that the universities had received no greater boon or benefit than the abolition of tests some years ago. One result of the repeal of the Tests Act had been a much more friendly attitude on the part of the Cambridge University towards the Church, and this result was not at all anticipated by those who opposed the repeal of that Act. An undenominational college did not necessarily produce irreligious men. With regard to the present unscientific method of training teachers, he regretted the present dearth of books upon the subject. Mr. Fitch's excellent work on 'Facts of Teaching,' published a few years ago, supplied a long-felt want.

ENDOWED SCHOOLS.

Do the Powers now exercised by the Charity Commissioners over the Endowed Schools of the Country stand in need of Modification; and, if so, in what Direction and to what Extent? By ROWLAND HAMILTON, Hon. Secretary of the Education Department of the Association.

WHEN this question was selected for special consideration at the Birmingham Congress, it was anticipated that the evidence taken before the Select Committee of the House of Commons on the Charitable Trusts Acts would have been issued to the public in time to allow those to avail themselves of it who were sufficiently interested in the subject to master the details presented. This expectation has not been fulfilled; but though writers have not been found willing to give their mature views on the question until they were able duly to weigh the data thus collected, the Association would regret that so important a meeting as the present should pass without some practical discussion of it.

The object of the present Paper is to present a very brief sketch of the origin and history of the legislation on this subject, in order to render the present position of affairs more readily intelligible to those who have only recently begun to take an interest in them, and to invite discussion especially from those who, within the past few days, have been able to study the body of evidence referred to.

§ 2. Some time before the end of the last century the waste of charitable trusts had been prominently brought before Parliament, and the necessity urged of strict local investigation.

I find in the 'Annual Register' for 1812, but only in the list of Acts receiving the Royal assent, 'An Act to provide a summary remedy in cases of abuses of trusts created for charitable purposes,' and 'An Act for the registering and securing of charitable donations,' and can only conclude that they were of no practical utility.

Lord Brougham (then Henry Brougham) and others, in 1818, led on a more formidable attack upon existing abuses, especially as regards educational trusts. Lord Kenyon had spoken with great severity of empty walls without scholars, and everything neglected but the receipt of salaries and emoluments, using these strong expressions as to unchecked prevalence of the evil:—

'If any one tells me that the Statute of Charitable Uses affords a remedy, I answer that, the grossest abuses being everywhere notorious, the remedy has only thrice been resorted to for above half a century, and only once within the last thirty years, and I bid him look at the fate of that one attempt to obtain justice.' ('Annual Register,' May 1818.)

§ 3. The knowledge of this movement brought out many disclosures from places where no abuses had been suspected. Eventually, on the motion of Lord Rosslyn, in May 1818, a Commission was appointed by the Crown, vested with powers which were, however, much restricted, to carry out the investigation required. The scope and powers granted to these 'Commissioners of Inquiry into Charities in England and Wales' were somewhat extended by Acts in 1819, 1824, 1829, 1831, and 1832, the last notably giving some additional facilities for application to the Courts of Equity regarding the management of estates or funds belonging to charities. Some impatience was expressed from time to time in Parliament at the dilatory and fragmentary way in which results were presented, but we may readily conceive that their task was one of very great difficulty.

In January 1832 a report was ordered to be printed, accompanied by a digest going very minutely into the condition of twenty-two counties, including York. The last report was issued in 1837, so this elaborate inquiry lasted for nineteen years, and it concluded with deploring the want of a general index to the vast mass of information collected. This want was not supplied till 1842. It is needless to refer at length to these reports. They showed, in the clearest possible way, the failure of the Court of Chancery to afford either the aid which trustees required to give effect to their trusts, or to remedy any abuses arising in their administra-

tion. The appointment, or reappointment in case of death, of trustees; the custody of securities; the sale or exchange of land or stocks—the transaction, in short, of the most ordinary matters of business routine could only be effected by the most cumbrous and expensive procedure; while any attempt to carry out even the most obvious and necessary reforms involved the imminent risk of ruinous costs both to the trusts and all individuals concerned in them. The Commissioners had found, for instance, frequent cases where funds, left in general terms to the poor, were diverted to the relief of rates contrary to the tenor of decisions in Equity. In some few instances where the amount at stake was large, the directions of the Court were obtained through the Attorney-General, but, as a rule, the costliness of the remedy altogether precluded a resort to it. Moreover, the Commissioners complained that though suits could only be instituted in the name and, nominally, under the sanction of the Attorney-General, enormous expenses had been incurred from the want of his efficient supervision. In many cases, also, partly owing no doubt to the difficulty and expense of appointing new trustees, property had become merged in the general estate of a sole surviving trustee, and lost altogether to the purposes of public charity in any form.

§ 4. As far back as 1835, a Select Committee of thirty members, including the names of Sir Robert Peel and Lord John Russell, reported (July 1837) upon the subject. The mass of information collected by the Commissioners was, no doubt, available to the Committee, though their inquiry was not then fully completed or its results published in a suitable form. The general report, which is understood to have been prepared by Sir William Follett, recommends that (1) 'The superintendence and, in certain cases, the administration of all property devoted to charitable uses should be entrusted to a permanent Board of three Commissioners or some other independent authority,' with (2) power to enforce the production of returns and accounts, and to subject them to due audit; (3) to summon before them all parties concerned in the administration of any charitable institution or funds; (4) to appoint or, in case of clearly proved necessity, to remove trustees, also masters or ushers of schools; (5) to secure the due investment and safe custody of property, and the preservation—a matter of no small practical importance—of the records of all dealings relating to charity estates; (6) to support schemes for the better management of property and to give better effect to the *cy près* doctrine; (7) to act, with the

consent of the parties concerned, as arbitrators for the final adjustment of conflicting claims and accounts; (8) that to avoid the expense and delay of applications for legal remedies and facilitating proceedings in cases where such are indispensable, the proposed Board should investigate all cases before proceedings in Equity were instituted, and certify as to their merits; (9) further, the Courts of Equity might refer charity cases to it for investigation and report; and (10), generally, that such Board should have power to authorise, with consent of trustees and visitors, such arrangements as appeared desirable for carrying out the purposes of the trust, and to accord indemnity to trustees acting under its advice and direction, thus practically extending the powers of trustees as far as was required in the interest of the charities concerned.

§ 5. Such, briefly, are the general recommendations made by men of the highest authority very nearly fifty years ago. It is well to recur to them in estimating the progress since made. The report does more than express a complaint at the delays and expenses of Chancery, from which, indeed, all interests were liable to suffer in turn. It indicates also very clearly that charities founded to endure for long periods of time, required not only the supervision and control, but also the aid, of some readily accessible authority to enable those charged with their administration to meet unforeseen difficulties and contingencies. In short, experience had shown the necessity for making some practical provision for dealing with matters of current business, meaning by 'business' not the grabbing of money, but the honest, skilful, and intelligent adaptation of suitable means to ends desired and approved, under conditions which must be ever subject to modification in detail to meet the changing conditions of actual life.

§ 6. A Royal Commission (Lord Chichester's) was appointed in 1849 to examine the completed reports of the Commission of 1818–37, which made its first report in 1850, but three years more elapsed before any legislative effect was given to any of these recommendations. The first Act (16 & 17 Vict. c. 137), passed in 1853, gave considerable powers to a duly constituted Board to institute 'inquiries,' as these had often to be carried out in the face of much active and tacit opposition. Their extension and, in some respects, their modification was suggested by experience, the results of which will be found embodied in many clauses in subsequent Acts. The Board was bound to 'entertain applications' for its opinion or advice, and persons acting upon such advice, when it could

be given, were indemnified. It had also power to sanction leases, improvements, and compromises, and to authorise sales or exchanges of lands and redemption of land charges; in short, to render the transaction of necessary and useful business connected with trusts easy and inexpensive. Effect was also given to the recommendations of the Select Committee of 1835 for the Prevention of Useless or Factious Legislation. The Master of the Rolls and Vice-Chancellor were to deal in Chambers with charities with a gross income exceeding 30*l.* per annum, and with all Charities in London. Elsewhere jurisdiction over Charities under that amount was given to District Courts of Bankruptcy, or to County Courts. The Secretary to the Board for the time being was appointed Treasurer of Public Charities.

The Act (18 & 19 Vict. c. 124) of 1855 constituted this Treasurer the Official Trustee for Charity property, being, as the Select Committee of 1884 point out, a *bare Trustee* only, charged with the safe custody of Trust property according to the terms of the Trust, but acquiring no powers over its administration. The effect of this provision appears to have been much misunderstood and exaggerated. Its object is not in any way to limit the legitimate powers of Trustees, but simply to preserve the corpus or funds of the estate for the benefit of what may be termed the *cestuique* trust. In other words, it only provides a safeguard that the estate itself shall not be wasted or disappear altogether; but does not prejudice any question as to the rights of those who may now enjoy the income, or of those who may hereafter by any process of law, or by any authorised arrangement, become entitled to it.

The next Act (23 & 24 Vict. c. 136) of 1860 enabled the Commissioners, under the direct jurisdiction created by it, to make orders for the appointment and removal of Trustees, the establishment of schemes, and some other kindred purposes. The masters or mistresses of endowed schools could be removed, but only with the consent of *all* the Trustees and visitors. Still, they could not deal with any Charities the gross income of which exceeded 50*l.*—the limit previously being 30*l.*—without an application from a majority of the Trustees: or with contentious cases.

In contested cases for larger estates, recourse could then, and can still, be had only to the High Court of Justice, or to Parliament.

§ 7. The Reports of the Commissioners at once showed satisfactory results from these extensions of their powers.

That for 1863 reports that in the matter of charities in the year 1859, there had been 86 applications to the Court of Chancery, and 146 to the County Courts. In 1863 there were only 30 to the former and one to the latter, while 351 orders had been made directly by the Board. In the three years 1861–1863 as many as 838 of these orders had been made, none of which had been appealed against. This was very much owing to the publicity which preceded all orders; on the other hand, these powers could only be exercised by invitation, which would not readily be given by any whose interests were opposed to those of the charities. Then, as now, little can be done to remedy abuses, but the facilities afforded for good management have been more and more used up to the present time, as a knowledge of them was extended. The Charitable Trust Act (32 & 33 Vict. c. 110) of 1869 extended somewhat further the general working powers of a *majority* of trustees and of the Commissioners.

§ 8. Although the Acts referred to dealt only with charities generally, their tenor and the discussion relating to them show how largely educational endowments occupied public attention. A Special Commission (Lord Clarendon's 1861) had reported on the nine chief public schools.[1] The Commission over which the Duke of Newcastle presided from 1858 to 1861 had given, in March 1861, an ample report and a vast amount of valuable evidence on the state of popular education. Following upon these, the Schools Inquiry Commission (Lord Taunton's) in 1864 took up more specially the question of the great number of foundations for the most part connected with intermediate education. The digests of the Commission of 1818–1837 were substantially accepted as indicating the range over which the investigation should be extended, entering more fully into the efficiency and suitability of the schools supported, or which should be supported, by these means. Nothing could be more deplorable than the shortcomings disclosed in the provision made for what has been termed the 'lower middle class.' The twenty volumes recording the work of three years are a most valuable repertory, both of facts and of the opinions held by men who had viewed the question from many diverse points of view. In the Report, a rough classification is given of the classes of schools required for the country, viz. for children whose education ceases at 14, 16, and 18 to 19 years of age, distinguished as III., II., and I. grade respectively. Primary schools were not contemplated in this apportionment,

[1] Eton, Winchester, Westminster, Charterhouse, St. Paul's, Merchant Taylors', Harrow, Rugby, and Shrewsbury.

and this line of distinction still holds generally good, though many new considerations have entered into the question during the last fourteen years. The meaning of the term 'free' is also discussed (vol. i. pp. 105, 123), and good reasons are given for taking it to imply broadly that the teaching given should be open to all, not necessarily without cost to any, but that none should be refused or disparaged on the score of poverty. This question is further illustrated by a ruling decision of Lord Eldon's (vol. i. p. 145) that 'if a grammar school was only for teaching Latin and Greek, then the freedom of the school was confined to those learning Latin and Greek.' The Court supported charges made for teaching the rudiments. This ruling has been condemned as adverse to education, and there is no doubt that the immediate result was to confirm not a few teachers where no use could be made of their services. But the decision is logical: the waste arose from the want of administrative authority, which permitted appointments to be made under conditions practically ensuring a sinecure to the nominee. The object of the founder, to afford means of higher and liberal culture, can only be carried out by attaching such funds to places where the way for it is prepared by suitable early training.

§ 9. This report (dated December, 1867) led promptly to the passing of a precautionary Act (31 & 32 Vict. c. 31) in 1868 to prevent the acquisition of further 'vested interests,' pending the framing and passing of the Endowed Schools Act (32 & 33 Vict. c. 56) of 1869. This, as is well known, very largely extended the power of the Commissioners specially appointed under it, to take the initiative in making 'schemes' for the better management of endowed schools without regard to the narrow limit of 50*l.* gross income, though in the first instance they were bound, in the case of large foundations, to receive and consider any scheme submitted by their governing bodies within a limited period. No scheme could be passed without the consent of the Education Department. Sect. 30 empowered the Commissioners, with the consent of the governing body, to include in a scheme for educational uses, the whole or part of any income applicable only to certain obsolete purposes, or where such purposes had become since A.D. 1800 insignificant as compared with the magnitude of the endowment.[1] Due provision

[1] The purposes specified are (1) doles in money or kind, (2) marriage portions, (3) redemption of prisoners and captives, (4) relief of poor prisoners for debt, (5) loans, (6) apprenticeship fees, (7) advancement in life, or (8) any purposes which have failed altogether or have become insignificant in comparison with the magnitude of the endowment, if originally given to charitable uses in or before the year of our Lord 1800.

was made for appeals, specially to H.M. in Council, and all schemes had to be laid before both Houses of Parliament for forty days. The continuing and amending Act (36 & 37 Vict. c. 87) of 1873 introduced some administrative changes, chiefly as regards the publicity to be given to proposed schemes through the Education Department. Appeals can be directly made under it to the Judicial Committee of the Privy Council, who may, if they think fit, direct a scheme to be laid before both Houses of Parliament for two months, and anyone concerned may by petition require this course to be adopted. The royal consent is withheld from any scheme or part of a scheme against which an address has been presented from either House; only schemes wholly unopposed can become law without being laid before Parliament. The Act (37 & 38 Vict. c. 87) of 1874 transferred to the Charity Commissioners as from the end of that year, all the powers vested in special commissioners since 1869 under the Endowed Schools Act, but as far only as regards this class of charities, which are still the subject of a separate annual report. These powers, under the Charitable Trust Acts and the Endowed Schools Act, have since been continued, severally, and the legislation now pending on the latter part of this broad question is the special subject of the present discussion.

§ 10. I may here add a few particulars indicating the magnitude of the growth of the work which has to be grappled with.

The report of the Commission of 1818–37 showed the total number of charities to be 28,854 (including 13,331 under 5*l.*), with an alleged income of 1,209,000*l.*, of which about 312,000*l.* only was then specifically appropriated to education.

The Commissioners working under the Endowed Schools Acts on the basis thus supplied, showed by a return (Lord Fortescue's) made in 1875, that endowments had been dealt with:—

By schemes finally approved	£138,500
By schemes published but not finally approved .	73,500
	£212,000

Further—

Within the purview of the Acts, but not dealt with in any way	348,000
Total annual income . .	£560,000

Metropolitan endowments were represented in this total by 28,000*l.*, 33,000*l.*, and 99,000*l.* respectively, in all 160,000*l.* Endowments under 100*l.* being the gross income of schools *not* specified by their deeds as 'Grammar' Schools might, if the trustees desired, be applied to primary education (Endowed Schools Act of 1873, § 3, and Elementary Education Act of 1870, § 75). 1,725 endowments aggregating 49,000*l.* have thus been made over to the Education Department. The increase in value shown—notwithstanding this deduction—arises partly from a fuller disclosure of resources, partly from the general rise in the value of property, and to some extent, by trustees voluntarily applying to come under these Acts and avail themselves of the aid of the Commissioners.

The last of these returns (March 1884) shows—

1. Dealt with by schemes finally approved .	£355,000
2. The subject of schemes published but not finally approved	111,000
3. Not dealt with in any way	160,000
Total annual income . .	£626,000

The Metropolitan cases are *out* of this total respectively (1) 80,000*l.*; (2) 80,500*l.*, (including 56,000*l.* for Christ's Hospital); (3) 26,500*l.*; in all 187,000*l.*

I have included in these aggregates only those endowments which are returned as educational: over 14,000*l.* more is referred to as included in these schemes, and thus associated more or less closely with educational purposes. There are also recorded sundry capital sums, amounting in all to about 240,000*l.*, as expended or to be expended in connection with various educational schemes. The value of buildings is not included in these returns. Of the 655 endowments not dealt with, only 6 Metropolitan (aggregating 12,500*l.*) and 23 in the rest of England and Wales (aggregating about 49,000*l.*) are returned as affording an annual income ranging from 1,000*l.* to 4,800*l.*

It is hard to say how far these figures represent the value of all the endowments applicable to education. A report of the London School Board in 1876, while stating less amounts in some important cases, showed nevertheless a much larger aggregate than that given in the return made about the same time by the Commissioners under the order (Lord Fortescue's) referred to. This subject was reported upon specially by a Royal Commission in 1876, and in general conformity with its recommendations the London

Parochial Charities Act (46 & 47 Vict. c. 36) was passed in 1883, under which two additional members, specially charged with carrying out its provisions, have been added to the Board of Charity Commissioners. Their investigations will embrace charities of all kinds, and the aggregate of these, either in London or elsewhere, is still very imperfectly known.

§ 11. A general statement of the growth of Charitable Endowments will be of interest, especially as some of them are, and may be yet more fully, in association with the progress of National Education.

From an early period the Commissioners have kept a register of 'Unreported Charities,' either newly created or not included in any previous returns. An extended general Digest of all Charities in England and Wales was published in their Report for 1876, giving the total number as 36,000, with an income of—

From 524,000 acres of land, and including rent charges, &c.	£1,558,000
From Government stock and other personalty of a principal value of nearly 20,000,000*l.* .	640,000
Total . .	£2,198,000

The principal objects among which this income is divisible are thus given, viz. :—

	£	£
Education		667,000
Medical hospitals and dispensaries .		199,000
Nonconformists: chapels and ministers		39,000
Established Church: Clergy and lectures	91,000	
Church purposes . . .	113,000	
		204,000
For 'the Poor:' Apprenticing and advancement	83,000	
Almshouses and pensioners . .	552,000	
Distribution among the poor .	383,000	
		1,023,000
Parochial and other public uses . .		67,000
		£2,199,000

Since that period these amounts will have been very materially increased. The last report gives 10,520 distinct charities recorded, as against 8,030 in 1876. A very full index, arranged so as to harmonise with the reports of the Commission of 1818–37, is now in course of preparation.

This income, the vast extent of which is thus indicated, is exclusive of the universities, of the public schools, of friendly and other kindred societies, and of all charities supported by voluntary contributions. The report of the Select Committee just published avows that 'this number (of charities) is being continually added to, and it is stated that benevolence of this kind has never been more active than during the last few years, both as regards the number and value of charitable endowments, showing that the reforms effected and the powers given to the Charity Commissioners have in no way tended to deter donors or testators from founding new charitable endowments.'

§ 12. Under clause 30 of the Endowed Schools Act of 1869, the Commissioners have from time to time dealt with funds for doles and apprenticeships; with loan and other charities, the uses of which have practically become obsolete, and with the surplus proceeds of charities which in the course of years become in excess of the uses contemplated. These—in accordance with the principle avowed in the Act of 1869 (section 11), and laid down still more clearly in that of 1873 (section 5), that in every such case regard should be had to the class of life of those for whose advantage they were designed—have been frequently devoted to the foundation of scholarships and exhibitions for the pupils of public elementary schools. The report for 1883 (xxx.) shows that, out of 2,989, of these 1,145, or 38 per cent., are held by children from such schools, viz., 79 in I. grade, 293 in II. grade, 664 in III. grade schools, and further 109 under schemes which do not indicate any particular higher school.

In this context I desire to bring prominently forward the claim of technical and scientific schools. They need not be put in direct rivalry with grammar schools, but most nearly take the place of apprenticeships which have become inapplicable to the existing conditions of industry. The last report of the Royal Commission on technical instruction shows how much life there is in the movement in this direction in many parts of the country. There is a fundamental difference between the training which has for its object to secure pecuniary advantages to the individual learner, and that which is calculated to raise the capacity of workers generally for the benefit of the community at large, of which the workers themselves form so large a portion. The general interests of education, and especially those of the poor, are vitally concerned in the latter. I much regret that the educational aspects of such 'industrial' institutions

do not form one of the subjects for special consideration at this Congress. There is no problem of greater and more practical interest at the present moment.

§ 13. The Commissioners have repeatedly stated that the provisions made in their schemes for exhibitions and scholarships have not been duly carried out, adding in one of them (xxx. for 1882, p. 13) that 'probably in most cases something in the way of guidance and assistance is all that is needed, but even for this task the law provides us with no proper machinery.' The necessity for some general system of inspection is strongly insisted upon.

They refer also to the possible competition between higher elementary and III. grade schools. In some cases (v.: xxix. p. 14) they have 'directed the creation, at the cost of the endowment, of an upper department in connection with a public elementary school,' where 'a difficulty arises from the want of a suitable higher school within a convenient distance.' According to the last returns of the Education Department, endowments to the value of 151,000*l.* are shown as held for public elementary schools, but there is nothing to indicate how far these are of the higher class included in the provisions of the Code, though not required by law. There is no reason to suppose that endowments will supply all that is required to co-ordinate our primary and higher schools in practicable working order, but it cannot be expected that new resources will be found for the purpose till the extent of those which should be made applicable to it are duly known and made available. Much may be done with a million pounds a year, but divided by the twenty-seven millions of population in England and Wales, it affords only ninepence each, or under three farthings a month. Nevertheless, the economic law preeminently applies here—that it is neither the costliness nor the quantity of the supply that constitutes value, but its right adaptation to practical wants. The last Report under the Endowed Schools Acts (Lord Fortescue's, No. 29, 1884) gives a well-tabulated list of endowments in I., II., and III. grades and in public elementary schools respectively, which strikingly illustrates the way in which small resources can be utilised. In many cases they supply links which, if rightly used, are of inestimable value in completing our educational chain.

§ 14. The report of the Select Committee of 1884 confirms the conclusion that 'in consequence of the refusal or neglect of a majority of trustees to make application to the Commission for new schemes, there are very many charities with incomes

over 50*l.*, which are either expended in a manner injurious to the recipients or which are wasted,' and that there is no ground for maintaining this limit imposed by the Act of 1860, 'but that a further step should be taken transferring to the Commissioners the powers exercised by the High Court of Justice for the control and reform of mischievous or wasted charities.' Speaking in general terms, neither this report nor the bills introduced into (but not passed through) the Houses of Parliament purport to do much more than extend the powers conferred by the Endowed Schools Acts to charities generally, with due provision for amending and developing schemes already passed as occasion may require hereafter. How much education is concerned in rendering the administration of the latter thoroughly efficient has already been shown. The Commissioners have appended to their report of 1881 (xxix.) a memorandum fully setting forth their position with regard to the Courts of Equity on the one hand, and to trustees and the public on the other, to which I would refer. In their last report (xxxi.) they forcibly show how large an amount of business now passes through their office on which they base a proposal for an increase in their staff.

The Municipal Corporations Acts of 1882 and 1883 may, I trust, do much towards supplying those competent 'local authorities,' which are the indispensable complement of all central Commissions for the necessary supervision, but emphatically not for the management, of local public affairs. The latter of these Acts brings many endowments for the first time within the scope of the Charitable Trusts Acts.

§ 15. The danger that the central authority may be overwhelmed with details which they are unable either to direct or to control is recognised on all sides. In this country, at all events, I trust it will be admitted that the function of a judicial or *quasi*-judicial body should be restricted to the correction of malversation, or of such recklessness or neglect as constitutes almost as grave a dereliction from public duty. Thus far appropriate penalties can be enforced by law. But for zeal, forethought, and energy, for personal sympathy with the many varied wants of the country, for all which gives life to the tissue of society, we must look to the spontaneous efforts of those whose public spirit impels them to undertake local public duties. It is a temptation to many struggling with difficulties to think that an effort, small to a powerful department, could easily make good the defects which oppress them. But extend the purview, and it becomes

obvious that though strong—perhaps too irresistibly strong for good or evil—in any one case, its power is weak and inefficient indeed if spread over all. A department so overweighted is forced to take refuge in routine. Moreover, the officials charged with the executive work of administration must inevitably be committed to certain definite and uniform lines. However disinterested they may be, they cannot transcend the limits of their own experiences: however thorough or even harsh may be the control of a department over its subordinates, a certain *esprit de corps* is sure to be engendered, which tends strongly to resist any criticism from a point without, which, in the very nature of things, it is unable to occupy or fully to understand. Hence, with reference to the modification of the powers now wielded by the Commissioners, I would urge that it is of primary importance that our great central departments should in all respects be put in a position to enable them to exercise their judicial or *quasi*-judicial functions with the most unquestionable impartiality. No society exists so automatically perfect as to dispense with such a tribunal, and we all know too well how grievous are the evils which arise when the effective power of the law is quenched in the rust and complexity of its machinery. In theory the Court of Chancery was fully competent to remedy all the abuses of charities which grew up under its shadow. But law reform and the extension of Government departmental administration are two very different questions.

This principle in no way contravenes the duty of requiring that a strict account of public duties should be rendered to the public who are most vitally concerned in their fulfilment. No doubt also the large range of experience which accrues in a central department, when worked with vigour and intelligence, is invaluable, and should not only be available, but pains should be taken to make it known and available to all in any way concerned with the administration of endowments. Officials whose personal qualifications inspire confidence exercise a most beneficial influence as competent advisers, and influence of this kind neither can nor ought to be restrained. It may, perhaps, grow to excess, but the only true counterpoise to it is the formation of sound judgment among 'local authorities,' sole or corporate, who add independence of thought to the other good qualities which fit them for their honourable position.

I have not yet seen the body of evidence submitted to

the Select Committee of 1884, and cannot, therefore, direct attention to any points in it which may bear specially on any of the questions thus briefly referred to.

In a paper on 'The Compulsory Examination and Inspection of Secondary Schools, with Suggestions for the Avoidance of the Evils of an Excessive Centralisation,' the Rev. S. F. HIRON, LL.D., D.C.L., first gave a succinct account of some of the circumstances which preceded the passing of the 'Endowed Schools Act (1869),' and of the causes which led to the 'Endowed Schools Bill, No. 2,' being dropped; and he quoted from a speech of Mr. Forster's the statement, that 'the country was ready for the reform, but not for the management, of the schools.'

After a short notice of the transfer to the Charity Commission of the powers and duties of the Endowed Schools Commission, Dr. Hiron next referred to the Report of the Select Committee of the House of Commons, which recently recommended the appointment of a Minister of Education, and, by way of sample, he quoted extracts from the evidence of Lord G. Hamilton, Sir F. Sandford, Mr. Forster, Mr. Mundella, Mr. D. C. Richmond, Professor Huxley, and others, more or less in favour of the Compulsory Examination and Inspection of Endowed Schools. Dr. Hiron also gave, in the terms of their Report, the recommendation of the Select Committee on this question.

From his own experience, as one of the Visiting Examiners and School Inspectors of the College of Preceptors, Dr. Hiron stated his firm conviction of the need of some widely extended system of Examination and Inspection of Secondary Schools, and made some suggestions as an outline of such a scheme. With a view to avoid the dreaded evils of an excessive centralisation, he declared in favour of leaving full liberty of action to the schools with reference to the curriculum, and a free choice of the particular examining body (from an authorised list of such bodies), to which each school should apply for the purpose of being inspected from time to time; asserting the principle that if there were to be sufficiently strong guarantees for liberty, while putting an end to absolute irresponsibility, it would be better not to have only one examining body.

Dr. Hiron thought that there should be both a Local Authority and a Central Authority to deal with the Reports, and that, whatever form the first might assume, it was inevitable that the latter should be some department of

the State. Some disciplinary power should be reserved to the Central Authority, if not to the Local Authority, in case of several successive bad reports of the condition of a school.

The expenses of the Central and Local Authorities, Dr. Hiron said, would not be large, and might fairly be provided out of public funds, for the schools themselves would pay the actual expenses of examination, as such; and only the administrative charges in connection with the Reports would have to be provided for otherwise.

Dr. Hiron contended that, under this system, the 'Religious Difficulty' would not crop up, as it necessarily must in any system of *direct* inspection by the State; and that the examination in religious knowledge could be left to the schools and the examining bodies, the latter examining, or not, at the wish of each school, and the examination (if any) being on lines laid down by each school for itself.

While arguing that the system should be made compulsory in the case of endowed schools, and possibly in that of private schools started after the inauguration of the new system, Dr. Hiron thought that it would be the more prudent course to offer inspection for the voluntary acceptance of existing private schools (as was proposed in the 'Endowed Schools Bill, No. 2'), and deprecated any attempt to force it upon them.

Dr. Hiron concluded by urging the Social Science Association—which had already done excellent service in promoting the appointment of the Schools Inquiry Commission—to resume its efforts in the same good cause—the improvement of Secondary Education—and strenuously continue those efforts until they were crowned with complete success.

DISCUSSION.

Dr. Crosskey (Member of the Birmingham School Board) said his contention would be that the extension of the powers of the Charity Commissioners was eminently undesirable from an educational point of view. In fact their powers ought not to be extended, but considerably limited, for they had a prejudicial effect upon the educational life of localities. The Commissioners possessed such large powers, that they could, and often did, override the wishes of the community—powers which ought not to be given to any central authority. No Commissioners ought to have the power to oppose the wishes of a majority of the inhabitants of a locality as represented by representative bodies like the School Boards. The evils of centralisation in this educational matter were very great. The Charity Commissioners were not an educational

authority in the sense in which an educational authority ought to exist to exercise these powers. This fact was getting to be widely acknowleged, and he believed that in the near future there would be a very large development of the School Board system in every direction. It was so in Scotland; although we were not supposed to be an inferior people to the Scotch, our educational system assumed that we were an inferior race, for we had not the same local control as the Scotch people had. The knowledge possessed by the Charity Commissioners was infinitely inferior to the knowledge existing in localities. Take the Birmingham controversies with the Commissioners in reference to scholarships and other educational matters. Did a few gentlemen sitting in London know the best way of applying the Birmingham endowment? Unless the responsibility was given to the country districts also, there would never be a sound educational local life. The progress of country districts had been cramped by their not having been given proper responsibility. Give them more authority, and they would develop more energy. It was the old familiar argument, give them the vote, and they would become fit. Another objection to the Commissioners retaining their present powers was, that they had such an enormous amount of business constantly before them to get through, that local authorities had to wait for the simplest thing week by week, month by month, and almost year by year, which was fatal to the local life of the country. It could not be denied that the Charity Commissioners had in every direction very much irritated the country, and, as a body, they were not varied enough in composition for a great educational authority. The vast endowments of the country had never been applied for the benefit of the people to anything like the extent they ought, and the means of reform lay in increased local reform. He ventured to make a strong appeal against more centralisation in educational matters. They would never get wise management without local power and responsibility. Let these eternal leading strings be removed, for in every part of the country they prevented the growth of educational life. Let the large funds which exist in the shape of ancient endowments, which might do such good in the country, be placed more under local control instead of under the purely arbitrary direction of a few gentlemen in London.

Mr. Hastings, M.P., said that in 1874 he viewed with great regret the action of the late Ministry in abolishing the Endowed Schools Commission, and in transferring the duties and responsibilities of that body to the Charity Commissioners. When, in 1872, he filled the chair of the Education Section of the Association, he had explained in his address the work that had then been done, after only three years of existence, by the Commission, and had foreshadowed its important functions in the future. Again, at a later opportunity, he narrated the successful administration of the Commission by the late Lord Lyttelton and his colleagues. But though he still lamented the extinction of the Endowed Schools Commission, and the transfer of its functions to another body which had enough business of its own and to spare, yet he could not join in attacks on the Charity Commissioners as to the discharge of their duties relating to Endowed Schools. Those Commissioners had

some peculiar difficulties to contend with, but he could not agree that they did nothing, as some said, or that they acted without regard to the opinion of localities interested in their schemes, as others said. He would instance, by way of example, what the Commission had done at Worcester. In that city there were two old endowed schools,—the Cathedral School and Queen Elizabeth's Grammar School. This latter was reorganised some years since under the advice and with the help of the Charity Commission, and was now an excellent institution, affording a good education, at a very moderate cost, to the sons of tradesmen and others of the middle class. There are also exhibitions to this school from the elementary schools of the city, founded by the Commissioners out of moneys formerly wasted in useless and pernicious doles. Now, how was this carried out? Was it done by the Commissioners sitting in their office in London, and without regard to the wishes of the citizens? On the contrary, an Assistant-Commissioner came down to Worcester, sat publicly to hear all who wished to address him, and obtained information from various quarters. He (Mr. Hastings) happened at that time to be the chairman of the Worcester School Board, and so desirous was the Assistant-Commissioner to obtain all the advice he could, that he came over to his house, nine miles' distance from Worcester, to inquire whether he had any suggestions to offer for the better education of the city. But again, take the Cathedral School. The grievance there had been, that while largely increased revenues have been obtained from the capitular estates, the endowment of the Cathedral School remained almost unaltered from the days of the royal founder. Those revenues have long been in the hands of the Ecclesiastical Commissioners. As he (Mr. Hastings) pointed out in his education address in 1872, the Commissioners used the money for purposes good of their kind, but they starved, as they had no right to starve, the Cathedral Schools. This point was unaccountably overlooked in the House of Commons, when the Endowed Schools Bill was before it; but when the Bill reached the Lords, he induced Lord Carnarvon (then President of the Association) to move a clause in committee, compelling the Ecclesiastical Commissioners to give up an adequate part of their capitular revenues for the further endowment of the existing cathedral schools. This clause was resisted, and had to be modified into a permissive form; but even in this form it has done much good. The Town Council of Worcester had very properly, and with laudable perseverance, urged the claim of their Cathedral School on the Ecclesiastical Commission. The appeal had at length been successful, and the Worcester Cathedral School was now about to receive a largely increased income, and other material advantages, under the operation of the clause he had mentioned. But this success would never have been obtained had it not been for the powerful and persistent aid rendered by the Charity Commission. That body had brought a large amount of moral force to bear on the Ecclesiastical Commissioners. He cited these cases as examples, but others were within his knowledge. As far as his own observation went, the Charity Commissioners were not chargeable with having allowed these matters to sleep. There was often lamentable delay, but he believed

that was owing to the amount of miscellaneous work thrown on the Commission. So far from wishing to limit the functions of the Commission, he desired to extend them. With wider powers they might materially help the due endowment of secondary education.

The PRESIDENT OF THE ASSOCIATION (the Right Hon. G. Shaw-Lefevre, M.P.) said as it was possible that he might be a member of the Parliamentary committee which would sit next session upon the subject of the working of the Endowed Schools Acts, he would not express any definite opinion in advance upon this occasion. In the course of the inquiry of the committee of last session into the general action of the Charity Commissioners in respect to charities, it was made evident that the main complaints made from various parts of the country had reference to their action under the Endowed Schools Act. In fact, almost every case had reference to that Act, and very few to their action under the Charitable Trusts Act. The committee therefore concluded that it would be wise to have an inquiry during the following year into the subject of the Endowed Schools Acts. Although the powers of the Charity Commissioners in respect to endowed schools were very much wider than in respect to charities, yet, in another sense they were more limited and more under control. Their schemes under the Charitable Trusts Act did not go before Parliament. In respect to the smaller charities they had more power, but the schemes they framed under the Endowed Schools Acts must be approved by the Education Department, and if they were objected to by a certain number of ratepayers they had to be laid before Parliament, and were there subject to discussion by either House. Many of the schemes had been discussed by Parliament, but it must be remembered that it was the policy of the Education Department which was generally the policy adopted, as the approval of the Department had first to be secured. His experience was, that the complaints which were made generally had reference to the policy laid down by the Endowed Schools Act. The Charity Commissioners had in the main pursued the policy recommended to Parliament by the Endowed Schools Commission, on the strength of which the Endowed Schools Act was passed. Undoubtedly many of the schemes had not been popular in the districts in which they had been carried out. The Commission had frequently to run counter to the opinions of places in order to secure a beneficial change. He believed the question was one of policy rather than of administration, and the question which the parliamentary committee would have to discuss in the main next year would be the general policy of the Endowed Schools Act rather than the particular administrations of endowments by the Charity Commissioners.

Mr. JAMES HEYWOOD, F.R.S., said a great step might be taken in the greater encouragement of the study of modern languages, especially French; and a portion of the valuable endowments which existed might well be set aside for this purpose. There was a very good course of French going on now in the Mason College at Birmingham, and he was very glad to see that they had given great attention to the subject. He hoped that similar institutions in other towns would follow their example. He did not know a more convenient opportunity

than when the committee of the House of Commons sat next spring on this subject of charities, for discussing a moderate extension in that direction. Great stress had been laid upon the desirableness of giving more attention to technical education. But he thought in revising the system the teaching of modern languages was at least as important.

Dr. HIRON said that this question of secondary education was undoubtedly coming to the front. It had to be considered and would have to be dealt with again. The success of this association years ago, in promoting the appointment of a Schools Inquiry Commission, justified the expectation that the question would be coped with successfully. He begged to move :—

That the Education Department recommend to the Council the desirableness of appointing a committee of the association to consider the organisation of secondary education in England, and its relation with the State.

Mr. T. E. HELLER (Member of the London School Board) seconded the resolution. With respect to the first question—whether the powers of the Charity Commissioners over endowed schools stood in immediate need of modification—two views had been placed before them that morning. There was the one contention which referred to the general and local supervision by such a body as the Charity Commissioners; and then they had Dr. Crosskey's argument against the too great interference with local action. They, no doubt, required local action within certain limits; but it was also necessary to ensure that the intentions of Parliament were carried out and that the schools were properly conducted. Taking that point of view, he would object to the limitation of any authority which had the present control of the endowed schools of the country. They had, most of them, heard for many years of the desirableness for the dovetailing of the whole education system of the country; but he thought it would be better to first enlarge the powers of the Charity Commissioners and then to wait until they could bring about greater reforms. The Charity Commissioners had undoubtedly done excellent administrative work, but they were somewhat slow. He could not agree with leaving the power absolutely to localities, for that often meant no reform at all. He was in favour of leaving to local bodies the choice of educational arrangements and the settlement of the curriculum; but some supervision by a central department was certainly needed. The inspection of second-grade schools was absolutely necessary in order to secure efficiency, and he hoped therefore that this department would express an opinion to that effect, although they could not do so on this occasion. Of course in any arrangement of the kind it would be essential that the persons appointed to inspect were able to inspect. If inspection was carried out in a more practical manner than it was, and conducted by men who understood the work and the spirit of the schools, there would be much less of that objection to inspection which was heard so frequently from the elementary teachers of the country. It would be well for this section to affirm the desirableness of placing the whole arrangements of the country under a Minister of Education; and then some extension of powers could be given at the same time to local bodies.

Dr. Hiron's resolution was then agreed to unanimously.

Mr. J. R. Adams (London) said his feeling about the Endowed Schools Commissioners was that they had done a great deal of mischief. He recollected perfectly well the original scheme for the Birmingham Grammar School was a most scandalous one. It proposed to increase the fees to a very large extent, and as to the schemes going before the President of the Council, that was the merest farce imaginable. Except in places like Birmingham, where the local feeling was strong and could be powerfully supported, the Commissioners had practically their own way. They ought at least to be kept to some definite principle. The effect of what had been done in a very great many cases, both by the Endowed Schools Commissioners and the Charity Commissioners who succeeded them, had been to deprive widows and poor clerks, and persons of that kind, of that very aid which it had been intended by the original donors of endowment to afford them. It was one of the glories of the country to have had free grammar schools, and all these schemes for high fees and enormous salaries to head masters had tended to deprive the endowments of much of their good effect.

Mr. H. W. Freeland (Chichester) said that what was wanted more than anything else in connection with this subject was that they should have in Parliament a minister, directly responsible to Parliament, who should have an absolute power as regarded the functions exercised by these Commissioners, and be individually responsible. They had now in Parliament a Charity Commissioner, but he had no actual control whatever over the Commission. Mr. Mundella was always telling those who complained to him in this respect that it was of no use at all for them to go to him in the matter. The adoption of a plan of the kind which he suggested would increase local energy rather than retard it. He hoped that external energies would be brought to bear in checking that great tendency to centralisation which was, in his opinion, eating into the very life and heart's core of the English people. Mr. Toulmin Smith had written some years since a remarkable work, called 'Government by Commissioners Illegal and Pernicious.' He did not adopt all the conclusions arrived at by Mr. Smith, but he was prepared to say that there was a very great difficulty in fixing upon Commissioners anything like a due responsibility. They frequently, under the present system, did things despotically in their official capacity as a body, which they would not dare to do were they individually responsible. He hoped that in the future, in endeavouring to reconcile any benefits which central checks might confer with those of local self-government, statesmen would confine these central bodies within limits which would ensure a more legitimate exercise of their functions. A responsible minister in Parliament would be able to exercise a very sufficient control in limiting abuses, in extending beneficial endowments, and in modifying endowments which had outlived their time. The powers of local bodies might be proportionately enlarged so that they could more efficiently carry out legitimate local purposes. On these lines a central Commission might do a vast amount of good. It was certainly a crying wrong that endowments which were intended for the poor should be to such a large extent diverted to the education of the richer classes, as it was generally believed that they had been by the action of the Charity Commissioners.

The President of the Department (Mr. Oscar Browning) said they had discussed two very different questions that day. One was the question of centralisation *versus* local authority; and the other, which had not been so adequately discussed, the question of secondary schools. He could quite understand that a too great interference by the central authority with local management was resented. But there were some local authorities who would resent interference because they did not wish to be stirred up to proper action. But he would ask Dr. Crosskey to consider how extremely difficult it was to draw the exact line of interference in these cases, and how very few local authorities there were in the happy condition which, he had not the slightest doubt, the town of Birmingham was in. Take the universities. He did not regard them as any great obstructive bodies. But some time ago a Royal Commission sat upon the universities, and recommended that the funds of the colleges should be applied to university purposes. Nothing was more reasonable. The colleges were rich and the university was poor. The Commissioners gave the colleges the power to give up a portion of their revenues to the university. But all the colleges would not agree to do the same, and the result was that the plan entirely broke down. For twenty years after the Commission sat not a single sixpence was given by the colleges to the university. But after the last Commission they were obliged to give a portion of their revenues to the university, very much against their will; and it was now evident that the change was working in a most highly beneficial manner. Take the college of Eton, too. The scholarships of that foundation were formerly given away by selection and private patronage. From one point of view nothing could have been better than that; the cases of individual candidates were inquired into, and the wants of their parents. But the plan entirely failed. These valuable scholarships were made the objects of the grossest jobbery, and their advantages were so little appreciated that a sufficient number of people could not be found to accept them. Then a system of examination was introduced which produced a great improvement. But still the benefits of the scholarships were gained by the rich and not by the poor. Out of seventy-five scholarships at Eton, worth from 150*l.* to 200*l.* a year each, about thirty were held by the children of notoriously wealthy parents. Was not this a gross breach of the intention of the original benefactors? He was afraid that by reason of the imperfections of human nature it was impossible to have any regulation which was absolutely good. But he thought the powers of the Commission, combined with an increased local power, would be more productive of good than of harm. With regard to the work of the college preceptors, and the duty of inspection, he did not think it ought to be any part of the business of a university teacher to spend his time in examining outside bodies. Great care had to be taken to prevent the growth of systems of sham inspection. Some time ago there sprang up an examining institution with a high-sounding name, which, as far as he could judge from the papers printed and from various facts which came to his knowledge, was a gross imposture. It had the artlessness to print the questions it set, and whether it was from the fact that those papers were the

product of gross ignorance, or from the manner in which examinations were conducted, there was no sort of guarantee either for efficiency or for the commonest honesty. The head masters were made the secretaries of the local centres, and the very same persons who taught the boys had the papers in their hands to distribute. In the absence of a central authority in the case of this college there was no means of securing fairness and efficiency. The question of securing a really good national system of examinations was a very difficult one, and one to which this Association might well turn their attention.

The Brain of the School-child. By Francis Warner, M.D.

PUBLIC education is presumably undertaken for two purposes, (1) the benefit of the child, (2) the benefit of the public. From both points of view, it is very desirable that all the mental and moral faculties of the child should be cultivated. Inasmuch as the properties of mind depend to a very great extent upon the condition of the brain, it is highly desirable that the educationalist should have some knowledge as to what kind of a brain he has to educate, and that he should know something of its various properties and functions, not only its intellectual manifestation; such knowledge may enable him to preserve the balance of the powers of the brain as it develops.

It will be granted that the educational processes should be adapted to the children, and it must be admitted that the average educational processes must be adapted to the average child. Are the average methods of education adapted to all children? A while ago it was found out that the deaf and the blind could not be taught in ordinary schoolrooms; these are now in part provided for by small special classes. I desire to draw attention to another class—the nervous, irritable children; children who are irregular in attendance on account of headaches, recurrent chorea, occasional fits; habitual truants whose brain defect can be proven; the child so dull that it remains among the infants and learns nothing. As a hospital physician I meet with many such children, though doubtless they are but a small percentage of the school population, and from what I see I think these are practically not educated.

Is this to the public advantage? Why are the deaf and the blind educated? A part of the reason is that they may not become paupers. Why are the children of slight brain defect uneducated—children tending to become passionate, to pick up bad habits and practise them, tending to crimi-

nality, or, if too feeble for that, to pauperism. They are not neglected intentionally, but because they are not known to the school managers, it is nobody's business to find them out; they are not classified, and take their chance with the rest. Now my argument is, we can discover such children, and pick them out by definite physical signs; we can pick out from a class the child not up to the average, the child tending to failure from want of brain-power.

To say that such children are few in every school is no reason for their neglect; we rejoice that but few have such inborn conditions as make them tend to social failure, pauperism, or crime, but we wish that none should thus fail. Let such tendencies be detected early, and pointed out to the educationalist, that he may tend such cases carefully, helping to correct the defects due to brain condition.

I do not propose here to describe the physiology and pathology of the child's brain, but I think that some such knowledge should be acquired by those responsible for large schools. Having looked carefully through the books now being exhibited at the Health Exhibition, and having made inquiries of all the school publishing societies, I find works on physiology, but none on the study of the brain of the child; in the exhibition only one exhibit contains a health register, and that comes from Japan. The brain of the school-child should be undergoing rapid development; the school managers cannot be responsible for its nutrition as far as that is dependent upon food, but they may in special cases regulate the teaching according to the brain condition.

Let it be known and remembered that every movement and every posture of the body is an index of the action of the nerve mechanism. Let the teacher and manager study the children, the way they stand, the manner in which they hold out their hands, the appearance of their faces; let them study the expression of each child's condition.

Particularly should observation be directed to note any bodily defect about ears, eyes, lips, &c., for when there is a visible defect, if only in an ear, the brain is often coincidently defective in its development.

In various published essays I have given these signs in detail, so I refrain from giving them here. I believe that, roughly speaking, a layman may be taught the physical signs of brain conditions with sufficient accuracy to guess, with some degree of certainty, the children with slight brain defect, recurrent headaches, those who sleep badly, and are excitable; such teaching our profession can give to teachers.

Neglect in these matters does lead to unintentional cruelty to children, and to what I think more important, to the educational neglect of wrong-brained children. The teachers do not want to neglect them; such neglect is due to ignorance, for which the managers are responsible. Now, as to these wrong-brained children, they are worth helping; in most cases a genius is abnormal; the very faults and nervousness may be trained to become admirable qualities—sensitiveness of mind, mobility of mind; and the fidgety child may become an active man. Such children too often escape from an educational process unsuited to them, but still, better than no education. The nervous, excitable boy, always ill with sick headaches while at school, is excused from school attendance; at home he is idle; too often the parents are neglectful and unwise; and as he grows up, when drink or passion inflame him, he commits some act bringing him within the power of the police. I have seen the education of many such continued with success when removed from large schools, and placed at inferior, but small and quiet, schools. Again, the weak-brained, feeble-minded child often gets so teased, that at last he cannot be induced to go to school; his attendance is excused on the ground of health. What becomes of him after that?

Two important questions arise, then: A. How can wrong-brained children be picked out? B. What can be done for them?

A. How can the wrong-brained be picked out?

This raises the question whether the ordinary school manager is able unassisted to discover the brain condition of the children. Should there be an occasional medical inspection to aid the managers to determine how they may help on the development of the children? This might be met by occasional medical inspection, say twenty times in the year. We are not speaking of questions of hygiene or cases of illness. At the inspection, an experienced doctor, looking over the school class by class, would soon select those probably requiring some special care; the teachers would present for examination any child they found specially troublesome, often complaining, short-sighted, very passionate, &c.; and the cases of children excused from attendance on grounds of health would be considered; advice might be given on all cases. At a school I recently visited, a child was presented by the teacher as 'not dull but somehow wrong'; grave brain defect was obvious; the advice given was to keep the child, if possible, at school and out of the gutters.

A boy was brought to me who was frequently absent, and often punished when in school; he had harelip, a defect of the heart, and an ill-developed brain. He has a right to be educated, and ought not to be punished for dulness of brain.

In examining a child as to brain condition, general excitability may be expressed by general fidgetiness and finger twitching. The posture of the hand when held out by a healthy child is straight; it assumes a special posture in the nervous, excitable child, and a different position in simple fatigue. The teeth are usually ground in an ill-sleeping child. The parts around the eye are visibly relaxed in conditions of headache, making it unnecessary to take a child's word as to whether it suffers; we can see it for ourselves. As to training the brain to stand strains, I believe it is better for the nervous child to be educated. It must meet the shocks and strains of life, and if *properly* educated and exercised, it will bear those shocks and strains better than if untrained to think and to exercise self-control.

B. What can be done for these children?

I am not a technical educator; a want is pointed out, and we are prepared to show how this special class of children may be classified, and in individual cases or a group of cases we can say what will aid brain development.

In classes for the dumb I have seen cases very defective in brain being educated. In the highest class at Darenth Schools I have seen feeble-minded children being educated and sent out into the world. Small classes and special teachers could well manage the dull, the excitable, the wrongly-made children.

As to the expense of teaching a few children in a small class-room, instead of in a large room, would not the money be well spent in an effort to lessen crime, pauperism, and social failure? Should the endeavour be made to educate and save the child, or to reform the drunkard and criminal, and redeem the pauper to society?

I should like to see a tentative effort made. Provide inspection for a few large schools and two small class-rooms with suitable teachers, and the truth of these statements would, I think, be soon demonstrated, and the value of classifying the brain-power of the children would be recognised. The school examiner classifies by intellectual functions only. Every weakly or troublesome child who now escapes from public education is a failure of the system, and every such child is likely to be a public harm.

The Peripatetic Method of Instruction in Science and its Development. By HENRY W. CROSSKEY, LL.D., Chairman of the School Management Committee of the Birmingham School Board.

THE object of this Paper is to plead for the introduction of science as a part of the system of ordinary education in all public elementary schools, and to describe the method by which alone, in the opinion of the writer, it is possible that this should be accomplished. There is a general consensus of opinion that a far larger place than has hitherto been allowed in England should be assigned to science in our national system of education, as well as in our grammar schools and universities; but no strong conviction yet exists that a certain amount of strict and definite scientific training should be given to all the scholars in our public elementary schools as soon as they are prepared to receive it, which is practically found to be after they have passed the fourth standard. The extent of this claim for the introduction of science as a part of the ordinary curriculum of a public elementary school must be noted, in order that the worth and importance of the proposed method for securing thoroughly effective teaching may be understood.

The provision of special scholarships for those who possess exceptional intellectual power—admirable and necessary as this is—does not meet the broad claim I make. To furnish stages in the ladder by which a lad of mark, endowed with 'five talents,' may climb from the elementary school to the science college, is only to offer to the children of the poor opportunities to which they are justly entitled by virtue of the fact that Genius, like Truth, can neither be bought nor sold, and is bestowed upon men entirely apart from any considerations connected with social rank and circumstances. But scholars of average ability, those who have no special endowments qualifying them for exceptional careers, ought not to be kept in ignorance of the fixed laws and the majestic marvels of the world in which they will have to labour, or to be deprived of the practical guidance, the intellectual interests, and the protection against coarse and degrading tastes, which scientific training is capable of bestowing upon their lives. Only a few can rise to emi-

nence; and it is an unmitigated misfortune for any lad to be encouraged to trust to his intellectual powers for his daily bread, unless he has a fair chance of becoming eminent; but all may possess the scientific knowledge which will give dignity to their daily toil; and the workshop itself may be ennobled.

Neither does the establishment of higher grade board schools, in which scientific instruction is given, meet the necessities of the case. The vexed and complicated questions involved in the general organisation of the very miscellaneous collection of schools now existing in England, do not fall within the scope of this Paper; but I find that many members of School Boards believe that all that is required for scientific instruction will be done when higher grade board schools are opened; and, by means of examinations and scholarships, admission is brought within reach of a certain number of poor children unable to pay the fee.

Now, the grading of schools must educationally depend upon the time which the scholars can be expected to devote to education; and each grade of schools ought to have a curriculum, determined in its extent and balanced in its parts, according to the number of years which can be spent upon it. The public elementary school system should furnish the completest possible education for those who can remain at school until the age of fourteen or fifteen; the secondary or 'Higher Grade' system of schools should be adapted to the wants of scholars who can be retained a year or two longer. The higher grade school cannot therefore supply the place of the public elementary school to the poor man, who is obliged to send his children to work at a comparatively early age; the number of subjects taught, and the relative number of hours given to them, will not be balanced in a way to suit his requirements.

My contention is that science ought not to be omitted from the educational training of the poorest of our people. The daily concern of the lives of the poor is with forces and materials upon which science throws the strongest light. Their work is bound up with scientific laws. Want of knowledge often means bad work or want of work; and even the spread of pestilence, disease, and death.

The establishment of higher grade board schools ought not, therefore, under any circumstances, to be permitted to lower the standard of education in public elementary schools. I speak emphatically on this point, because I believe that the working men of this country will need to take the most

watchful heed lest they should be deprived of the education all their children are capable of receiving by the relegation of scientific subjects to schools placed beyond their reach by high fees, mitigated by only a small proportion of free scholarships.

Neither will the opening of technical schools suffice for the scientific instruction of our people. Technical schools can not do their proper work if their students have had no preliminary training, and are unfamiliar with at least the elementary principles of physics. Lads who have grown into young men without being carried through any systematic and experimental course of scientific instruction will find it almost impossible, after they have left school, to prepare themselves properly for taking advantage of technical colleges; especially when, as among the working classes, their evenings only are at their own disposal.

In order that science may be effectively taught in public elementary schools, the following conditions must be observed.

1st. *It must be taught experimentally.*—Actual demonstration must accompany the lessons at every stage. At no point at which an experiment is possible must it be omitted. The minds of young lads of the type of those attending public elementary schools will be opened and enlarged by experimental demonstrations, but they will not be reached in any other way. Scholars may be able to pass examinations by getting up text-books; but unless they are made experimentally familiar with the principles of the science they are studying, their knowledge will hang as a dead weight upon their minds, impeding rather than quickening their intellectual activity. Those who have witnessed, as I have often done, the effect of an experimental lesson in science upon large classes of children, often drawn from the poorest of the poor, will not think this insistance upon a plenitude of experiments exaggerated. The demonstration thoroughly awakens their minds; their eyes glisten; there is a long-drawn 'Ha' when the result accords with the theory which the teacher has expounded; and questions will soon show that they are not merely wondering at a kind of conjuring trick, but that a new world, hidden within the world of machinery with which they are familiar through the daily avocations of their parents, is being revealed to them.

2nd. Science must not only be taught experimentally, but systematically and continuously. The 'getting up' of some branch of science during three or four months as a

'specific subject' for examination, is of little use. 'Passes' may be won; but no scientific training will be given.

From these considerations, it directly follows, that special science demonstrators must be appointed, if our scholars are to receive a scientific training of any worth. It may be asked, cannot the work be done by one of the ordinary masters of the school? I am bound to reply that, in my opinion—an opinion not lightly formed, but based on observations extending over a not inconsiderable area—it is absolutely impossible to obtain any training, which can be called scientific, and prove of practical value, for the scholars of our public elementary schools, without the appointment of special science demonstrators.

In the first place, no man can be a good science demonstrator who does not devote to the work the greater part of his daily life. To perform experiments well is as much an art to be acquired by continuous study and practice as playing the piano. Fertility of resource, quickness of eye and hand, steadiness of mind, keenness of observation, are qualities essential to the demonstrator, which cannot be acquired without culture or retained without constant employment. The master of a school has many subjects to teach and many duties to discharge. He cannot, by any possibility, give any sufficient proportion of his time to the art and practice of scientific demonstration.

It may be said that an expert cannot be required for scholars of the age of those attending public elementary schools, and that any experiments they can understand can be easily performed by any ordinary teacher. Those who have studied any branch of physical science, however, will, I think, agree with me that no science can be well taught, except by a man who has had a special scientific training; and that the simplest experiments are best performed and made the most intelligible by those capable of carrying on the more recondite and difficult investigations.

It is a great mistake to imagine that it is a light and easy matter to experiment before a class of scholars, such as those found in our board schools. They are on the alert for any mistake; they are ready to raise the most curious and subtile doubts, and to ask the most perplexing questions. The only man capable of dealing with such a class of scholars, is a man they are compelled to recognise as a master of the science he is teaching.

In the second place, even if the head master of a public elementary school were a scientific expert and managed to

keep abreast with the advance of the scientific knowledge of his day, he would find it completely out of his power to act as a science demonstrator and to conduct the general work of his school. The preparation necessary for giving a good science lesson cannot be made without a larger expenditure of time than the proper management of his school will leave at his disposal. The mechanical arrangements for experiments often demand long-continued and anxious watchfulness and care. Every experiment ought to be tried over, before it is performed in the class, to avoid the risk of failure. The proper selection of experiments, as well as their performance, is in itself an art.

For the teaching of science in public elementary schools therefore these things are necessary (1): sufficient apparatus, and of course a laboratory in which experiments can be prepared; and (2) a staff of special science demonstrators.

The expense of providing apparatus—building a laboratory—and supporting a science demonstrator at every single school in town and country, would be as enormous as unnecessary. By the general adoption, however, of what is known as the 'peripatetic' method of instruction, all difficulties can be solved; and science can be effectively taught in every public elementary school. I do not think, indeed, that any other satisfactory method can be devised by which the whole of our elementary schools can be reached and the services of those trained scientific men, whose teaching of the elementary principles of science is alone to be relied upon, be secured for the great mass of our people. The peripatetic method has been adopted in Liverpool and Birmingham, and as I can testify, so far as Birmingham is concerned, the results have been as satisfactory as remarkable.

The chief characteristics of this method are extremely simple:—

I. As regards 'plant,' it involves (1) the building of a laboratory in some central position, (2) the purchase of a stock of apparatus, (3) the provision of a small hand-cart by which boxes containing apparatus can be readily carried from school to school.

II. A special science demonstrator is appointed, with such assistants as the number of schools to be dealt with may require.

III. The duties of the science demonstrator are (1) to prepare a scheme of lessons and arrange the experiments for their illustration. In Birmingham, in the boys' departments, mechanics is taken as a 'specific subject,' and in some schools

magnetism and electricity are added; in the girls' departments domestic economy is taken, and animal physiology is in some cases added; (2) to visit the schools in succession, and give at each school a lesson profusely illustrated by experiments, the requisite apparatus being brought by the hand-cart from the central laboratory.

IV. The regular staff of the school assists the demonstrator, and is assisted by him in the following ways:

1. A teacher on the staff of the school is present at every demonstration, and is thus prepared to enforce and continue its lessons in the intervals elapsing between the demonstrator's visits.

2. The scholars have opportunity given them during school hours to write answers to questions set by the demonstrator, who examines their papers.

In Birmingham a 'demonstration' is given in each department once a fortnight. It would be, however, a great improvement if the demonstrator or one of his staff could visit each school once during every week. The science staff consists of a chief demonstrator (Mr. W. Jerome Harrison, F.G.S., whose services deserve the warmest acknowledgment), three assistant demonstrators, who assist in giving lessons at the schools, and a junior laboratory assistant. Two youths are employed to work the hand-cart. The whole amount of salary paid to this staff amounts to 750*l.* per annum.

Scientific instruction is given by this method in thirty boys' schools and thirty girls' schools containing about 32,000 scholars, the numbers in the classes and the specific subjects taken being:—

Mechanics	2,400	Boys
Magnetism and Electricity . . .	300	„
Domestic Economy	1,800	Girls
Animal Physiology	100	„

Objections may possibly be taken to this system in the following directions:—

I. *Its cost.* It being granted, however, that thorough and systematic scientific instruction ought to be introduced into elementary schools, the peripatetic method is the very cheapest that can be devised. One set of apparatus serves for many schools, and one laboratory suffices for the preparation of the experiments. The services of the staff are utilised to the utmost; aud the amount of salary to be charged against each school is trifling. Supposing twenty schools in a town or neighbouring villages to be grouped

together, the system might be worked at a very slight expense to each. The investment of capital required would be less than 1,000*l.*, viz. :—

Building of Central Laboratory[1]	£700
Apparatus	300
	£1,000

The annual working expenses would be :—

Salaries of science demonstrator and assistant .	£400
Waste of chemicals, renewal of apparatus, &c. .	50
Expense of moving apparatus from laboratory to school	50
	£500

Ample provision could be made at this cost for twenty schools, each having accommodation for 300 or 400 children —*i.e.*, each of the associated schools could obtain, for about 25*l.* a year, thoroughly good experimental instruction for all scholars who have passed the fourth standard.

II. It may be asked whether, in the short time that can be allowed for any specific subject, it is possible to obtain results of sufficient educational worth to justify the expenditure of labour, thought, and money I am advocating. As a reply to this objection, I can point without fear to the results actually attained in Birmingham ; an hour to an hour and a half a week being all the time which has been spared for science, including the fortnightly demonstration, the recapitulation and preparation of exercises. The teaching being experimental, an impression is made upon the minds of the scholars which can neither be equalled nor measured by the effects of ordinary class teaching, lecturing, or book-work. The scholars are induced to think, and read, and prepare models of machines and drawings, out of school hours ; and during school hours they are found to apply themselves with a will to their scientific exercises. Prof. Poynting (of Mason College) has examined a large number of boys competing for a scholarship, and reported to the board that 'The boys showed that they had seen and understood the experiments which they described, that they had been taught to reason for themselves upon them, and that they were not merely using forms of words, which they had learned, without attaching physical ideas to them.' Specimens of the models made

[1] The Birmingham laboratory cost (with fittings) 1,450*l.*, but it has a lecture room and private room for demonstrator attached.

by the children, their drawings, and examination papers, were exhibited at the International Health Exhibition, of which the subjoined account is given in the *School Board Chronicle* (August 9, 1884):—'The cabinet of machine models and copies of the science apparatus used by the demonstrators in their experiments is well worthy of a visit. It shows the extent and nature of the interest which the children take in this practical form of education. Most of the models have been made by the children at their homes, and often with very inferior tools. One lad has a copy of the Chinese windlass, another makes a little pile engine, and a third illustrates the inclined plane, a fourth the mariner's compass, and so on through a great variety of objects until a very tolerable little collection of rough but serviceable apparatus has been brought. In cases extending the length of one of the walls of the room is a collection of specimen papers and drawings, prepared at the demonstrator's fortnightly examination of the results of his preceding lesson, and no further justification of the system than these papers can be needed.'

In comparing these models and papers with others, it must be remembered that the Birmingham work was not done in any 'Higher Grade' Institutions, with high fees and picked scholars, but indicates the kind of scientific training that may be given by the help of the peripatetic method in any public elementary school.

III. Great anxiety is felt by many lest the introduction of science into elementary schools should result in mere 'cram'; and a number of hard technical words be repeated by rote to be forgotten as soon as school is left. It is not unusual to hear a laugh raised by the quotation of some technical word from an examination paper, as though its use reduced the system to an absurdity. Scientific facts are, however, most clearly expressed in scientific language. Even young scholars gain by knowing the *right words* by which physical facts and laws are described; and their intellects are bemuddled by vague expressions. The employment of scientific words is no proof of 'cram.' I admit, as a matter of course, that the attempt to teach science without demonstrating experimentally every fact and law, must result in cramming of the worst description; but *experimental teaching gives the death-blow to cram.*

IV. Will not, however, it is sometimes asked, the introduction of this system of scientific teaching interfere with the progress of the children in writing, reading, and arithmetic?

Will not the elements of ordinary education be neglected because of the attention demanded for such scientific subjects as mechanics, magnetism, and electricity? On the contrary, it is found as a matter of fact that the intellectual life of the school is quickened in every direction by the study of science. The scholars find that 'the three R's' are not dull, dry, and abstract pursuits, but keys to a world of new marvels and interests. The schools under the Birmingham Board, in which there is the keenest interest in science, are certain to prove the schools in which the ordinary work is best done. Since 1880, when the science demonstrator was first appointed, the percentage of passes in the 'three R's' has steadily increased as well as the number of passes in specific subjects.

Year	Number of passes in specific subjects	Per cent. of passes in the three R's
1880	841	84·7
1881	1,724	88·4
1882	3,114	92·6
1883 (New Code with higher requirements)	3,150	89·6

Various causes have, no doubt, contributed to this result; but the proof is positive that the introduction of science *has not interfered*, to say the least, with elementary education in the 'three R's.'

V. On the first introduction of the system there may be a certain amount of antagonistic feeling aroused amongst some head masters and mistresses. In Birmingham this was indeed to some small extent the case. Some head teachers feared that the demonstrator might prove a new Inspector who, having to discharge independent duties as a teacher, might unduly interfere with their own functions; and that some conflict of authority might occur. To the best of my knowledge, however, this feeling has entirely disappeared. The only complaints which I hear as chairman of the School Management Committee are when the experimental lessons are omitted at any school through any stress of examination work or accidental circumstance. The masters find that the science demonstrators render them valuable assistance and do a work which it is out of their own power to accomplish.

In order to apply the severest test to the peripatetic system, I applied to the head master of a large school, situated in one of the very poorest districts in Birmingham, and attended by children whose social surroundings are, as a rule, almost as unfavourable to intellectual development as

they can possibly be. The school has accommodation for 416 boys, and an average attendance of about 350; 414 being sometimes present during the week.

The reply of the head master to my request that he would inform me of the results of the science teaching in his school lifts the whole question out of the region of controversy.

Dartmouth Street Boys' Board School,
Birmingham, *Sept.* 9, 1884.

REV. SIR,—In reply to yours of this morning, I beg to make the following remarks:—

The results from the science lessons given in this school are very gratifying. I have seen results in a variety of ways both in and out of school.

The interest taken in these lessons, both by parents and boys, is surprising. Many a mother has, to my frequent knowledge, inconvenienced herself in her domestic duties on certain days when we have sent word for her boy to be present, as the Science Demonstrator was expected that morning. The day is well remembered by most of them, and eagerly looked forward to. The attendance in the uppermost class is wonderfully increased on the mornings these lessons are given.

The results in other subjects in those standards where science is taught are none the less satisfactory. A greater intelligence and thought are quickly discovered when we are dealing with the other subjects.

Teachers are more encouraged when brighter material to work with is placed in their hands.

Other important subjects have impressed me very much, viz., the desire of the boys after leaving school to continue to study some science subject at some of our science classes.

Older brothers, too, have been induced to go to science classes through seeing the growth of knowledge in those much younger than themselves.

Many persons who have reasons to come in contact with the boys after leaving school, have expressed themselves in tones of great regret that such instruction was not given when they attended school.

I remain, Rev. Sir,
Your obedient Servant,
Rev. Dr. Crosskey. T. H. PURCELL.

As a development of the systematic and experimental system of science training I have described—a system only rendered possible of adoption by the employment of the peripatetic method—a new kind of Board school has been opened in Birmingham, for the purpose of enabling the scientific work commenced in the elementary school to be continued by the more advanced scholars before they enter upon their respective employments in workshops and factories.

The arrangements of the peripatetic system will suffice until the sixth standard is passed; but special provision must be made for those lads who can remain a year or two longer at school, and whose future employments render the extension of their scientific training desirable. A large proportion of those who pass the sixth standard are obliged to earn their livings at once; for these various evening classes are available. But a certain number of working men can, by an effort, manage to exempt their children from toil, say for an extra two years.

The question therefore arises whether special provision cannot be made for scholars who must ultimately earn their living as working men, but whose parents can afford to keep them at school for two years after they have passed the sixth standard?

It is evident that for such scholars increased facilities for scientific study will have a peculiar, indeed, almost an incalculable, importance.

They have been well grounded in the first principles of science, and familiarised with the management of apparatus and the conduct of experiments, during their school career. Their work in life will be largely increased, not only in pecuniary and mechanical, but in intellectual and moral value, by scientific knowledge.

To meet the wants of this class, a school has been opened as an experiment, in New Bridge Street, Birmingham, in premises belonging to the Chairman of the Board (Mr. George Dixon), who, at the cost of more than 2,000*l.*, has adapted them for the purpose, and placed them rent free at the service of the Board.

The characteristics of this school are the following:—

I. It is especially intended for scholars who will have to become working men, but whose parents can keep them at school after they have passed the sixth standard, and the fee (3*d.* a week) is adapted to their means.

II. While a seventh standard school under the Code, the instruction given is largely scientific and technical; and a special staff of trained scientific men has been appointed. There is a special master for chemistry and metallurgy; another master for mechanics and physics; a drawing master and a mathematical master; a highly qualified scientific man being placed at the head. Workshop instruction is provided, and includes a knowledge of the chief wood tools, and the properties of materials, while it supplements the mechanical drawing of the schoolroom, and is an aid to the study of theoretical mechanics.

III. The course of instruction is arranged to extend over two years. In the first year, the scholars take ordinary standard work, together with mathematics, mechanics, drawing, chemistry, and workshop practice.

In the second year, the study of mathematics will be continued, but it is intended that the scholars shall then specialise their studies in one of the following groups: (1) Chemistry and Metallurgy. (2) Mechanics and Machine Drawing. (3) Physics and Geometry.

The peculiarity of this scheme is, that it is not an attempt to benefit a few picked scholars, or to provide a higher-grade school for those able to pay high fees, but that it is a continuation of the science training, given by means of the peripatetic method, in every ordinary elementary school under the Board.

It has already been made evident, that a large capacity for scientific investigation—amounting, I believe, almost to a special genius for the study of science—exists among our English people, which has never yet received its full and fair development. The country is undoubtedly awakening to the necessity for making better provision for the study of science, in order that our manufacturers may hold their own in the markets of the world. Other and higher blessings will follow in its train. Labour, in being made intelligent, will cease to be so loveless, as it often is, and the lives of toiling thousands will be filled with larger interests, guided by finer tastes, and enriched with nobler joys.

Education: its Essence and its Tool.

By Professor Bonamy Price, LL.D.

I PROPOSE to address a few words to you on a mighty subject—Education. What form to give the young when life summons them to enter upon its duties, of what kind of men and women shall a nation be composed when one generation passes away and another is summoned to take its place, is one of the grandest, as also it is one of the gravest, problems in which humanity can be engaged. On every side signs are springing up of the depth of the emotion with which the souls of the people of England are stirred in the consideration of this great duty. The keenest interest is displayed in every direction, to whatever quarter we may turn our eyes. Education is to the fore everywhere.

Powerful movements are breaking out all around us to extend, to enlarge and deepen, to ennoble the education of the young.

Already vast results have been achieved. The improving force set in motion by public feeling is rapidly effecting great changes in our educational institutions. A deep sense of responsibility has been awakened throughout the country. Government has felt its influence, and recognised the duty imposed upon it to forward and enlarge the training of the young for future life. An immense organisation for teaching children of the lower classes has been vigorously set to work: such universal machinery was never seen in England before the present day. Parents find themselves under strict orders to send their children to schools directed by public authority, and supported by rates imposed on the whole people. Colleges, schools, every kind of educational institute, are springing up in great numbers. The movement for the creation of colleges is something almost marvellous. Traders and merchants refuse to stand at a lower level of culture than the gentry, and their sons are sent to be enriched with the same literary treasures as adorn the upper classes of society. Oxford and Cambridge are fast becoming only two universities amidst a multitude of vigorous rivals. The appreciation of the value of education has penetrated every class. To take a prominent lead in raising the education of the young of a town or village is reckoned a distinction which sheds honour on the life of the man who devotes himself to this noble work.

Great changes, too, are taking place in the older institutions of the nation. The old, time-honoured universities themselves are becoming transformed by the new movement. Their system of study is markedly changing: much more matter is being forced into their courses. Science is rearing its head in regions which formerly thought of little else than Greek, Latin, and Mathematics. But still more widely has the contagion spread. Women are pressing forward with great impetuosity into the struggle. They demand to be highly educated, to be enriched with large stores of science, to rank by the side of men as their equals and competitors in knowledge. A mighty ambition has laid hold of them; they are struggling for incorporation into the old universities. They have already won the right of being examined by the side of the young men; they face the same papers, and win the same honours, though as yet not included in the same class lists. With such intellectual phenomena throng-

ing around us, who can deny that education has made a mighty advance?

Very naturally the feeling that great progress has been achieved in fulfilling a national duty of the most solemn and imperative character has spread great pleasure over the country. But, alas! these are not the only feelings which this mighty and unsparing energy has generated. The educational machinery which has been set to work has in most cases aimed at a very distinct and peculiar object. It seeks to communicate carefully elaborated knowledge, to bestow on the pupil what may be rightly called learning. That learning it piles up on the memory of the youthful student. Memory is the faculty of the human being which is made the special tool of education. The knowledge to be imparted is put together with great care and accuracy. Long processes of cultivated thought are developed with minute precision; memory is commanded to heap them up in its storehouse, and to reproduce them on demand, with perfect accuracy. A heavily stored memory, pouring out its treasures with rigid correctness, is the triumph of his art most highly prized by the modern teacher. The faultless papers produced by the taught are pointed to with pride as the trophies of a splendid education. What grander proof can be given to a parent of the educational treasures with which his son has been enriched? The brain of the pupil is a glorious transcript of the proclamations of strict science.

But loud sounds of a very different character are breaking out on every side. The great machine with which the educating process is now worked is examinations. The rewards of the managers and teachers of schools depend largely on the written results brought out at examinations. Vehement complaints are heard against over-work—children driven into insanity and disease, not unfrequently into death, are held up as the natural fruits of the strain now laid on education and the methods by which it is carried on. The character of the examinations, it cannot be doubted, is the source of all these disasters. The pupil is summoned to bring up, not his own thoughts on the subject handled, nor his manner of understanding it, but a long and accurate repetition of what the book driven into his memory lays down in scientific order. He is compelled to cram for the examination, and the examiner allots his marks, not according to the general intelligence of the pupil, but according to the accuracy with which the cramming has been accomplished. To think, to reason, to understand by the natural use of the intellect do

not plunge the brain into disease. Far otherwise is it with cram. To cram is to put pressure on the brain, to pile up weight on its physical properties, to overload—so to speak—its muscles, to strip it of its vital quality of sanity. Amidst all these violent agitations, breaking out with such violence all over the nation, one transcendently important question forces itself upon the mind, What is education? Yet, who asks it? Who heads the expression of his view of the course which education ought to pursue by stating clearly, first of all to himself, and then to all his hearers, What is the work which education has to do? What is education?

The answer will be found, not so much in what the mind contains, as in the state of the mind itself. Beyond doubt, education must impart some knowledge; an absolutely ignorant man no one would dream of calling educated. But knowledge alone is not education. A mind turned into an encyclopædia of all information would not be truly educated. True education is the development of the mind itself, the teaching it how to think: and its mighty instrument is *viva voce* employed partly in examination, but with incomparably greater power and effect in actual teaching itself. The aim and task of education is to cultivate the faculties of the intellect and soul of the youthful being, to strengthen and enlarge them, to teach him to use them with the greatest power and effect. Knowledge is indispensable for the attainment of this great end, for it is in the acquisition of knowledge that the pupil learns how to think. But the object which is the true aim of education is to train the youthful being how to use his brain, how to examine and determine for himself the questions put before him, how to handle his mind as a tool, and thus to realise the very purposes for which the mind itself was given.

Now, what is the educational process to be adopted for effecting this great purpose—for teaching a boy how to think? Not certainly the setting him to learn by heart well-written and learned books, to store up their contents in his memory, and then to pour them out accurately in examination papers. Nor will this great end be gained by learned addresses from tutors, carefully gathered up in notes by the pupils, and then followed up by examinations which simply test the attention and accuracy of the students. This is cram—nothing better. Such lectures may form a valuable part of an education which is steadily developing the thinking power, and ever enabling the pupil to master and make his own knowledge set before him by learned instructors. But the

thinking power must be awakened and set to work before such lectures can pass out of cramming. We are still summoned to inquire how a boy is to be taught to think.

The answer is not difficult—yet how little is it perceived or valued at the present hour! The essence of teaching how to think lies in skilful questioning, in power to make the pupil discover for himself the facts and truths to be learnt at each place. To train a boy how to use his mind is the very essence of the process. As Dr. Arnold was wont to say, it is not knowledge but the means for gaining knowledge which he had to teach. To make the pupil find out for himself the answer to be given to each question as it arises is emphatically education. Each perception won generates a fresh inquiry, the very heart of the subject studied is thus effectually reached. The pupil's mind is ever kept perceiving, thinking, putting together, and discovering; every fact, every truth perceived and won is the product of the pupil's intelligence. He is guided, not told by the teacher; the true educator is himself, his own power of perceiving; the teacher places him in a position which impels him to put to himself each question in succession, and every answer won, each portion of knowledge acquired, is his own acquisition, the product of his own intelligence, the prize of his own thinking. Truths so gained are fresh forces acquired by the mind. They generate further inquiries, open vistas of more thought, and create a body of knowledge, every particle of which is grasped, and is converted into machinery for working knowledge, and along with it the power of applying it to the action for which it is needed.

Great is the power of *viva voce* in teaching, great also is it in examining. It at once compels the student to feel that his only chance of facing his examiner lies in understanding his subject. This feeling dominates his work, he knows that he will have to explain as well as to repeat. His studies will live in a different region, he will be ever asking himself, not only what statement he will have to make, but also why it is held to be right and true. To repeat a rule and to show why it is rightly pronounced to be a rule are very different operations. The one is cram, the other is education. To send an able *viva voce* examiner into every school would expel cram from the whole country.

But, let it be freely acknowledged, all education seeks to acquire knowledge. To think is to perceive and reason, and perception and reason have for their object the guidance of human life, the development of the mental faculties, the acquisition of intellectual and moral forces which shall enable

every human being to make approaches to that standard of existence which the Creator has held up before him. In the lower classes the period available for school is necessarily short. The sons of agricultural labourers are summoned early to earn their living by work; yet, even here, by the help of an intelligent *viva voce* teacher, boys may be taught to perceive many truths, simple in appearance but great forces in fact, which may prove of high value to them in agriculture. A little boy may be made to understand how a plant grows, how it picks up new substances from the sun and air as well as from the ground, how it decomposes those substances and extracts from them the parts which it can apply to its own growth. A simple but effective peep may be given him in chemistry, and the foundation may be laid for the creation, by the power of observation and thinking, of an eminent farmer.

We come now to the class of young boys whose education is not specially directed to the attainment of knowledge required for a particular profession. The aim here is to rear up men of culture and trained ability. Of what should this education consist? Of science, reply many, but no greater mistake could be made. There are professions in life for which science is the distinct qualification; let science be freely communicated for such a service. But science, emphatically, is not the true answer to What is education? that is general education, for the turning out of men fitted to do the great work of life. It is peculiarly susceptible of cram, its range of development of the faculties of human beings is most limited; its power to teach how to think, except in a few cases, is small; its faculty to develop human nature on all its sides and for all its duties most limited. The making of the man, the teaching him how to live, the strengthening of his powers, the development of mind and character are the great objects sought, and small indeed is the help which science can contribute to this supreme duty. Who can deny the greatness of mathematics as a science? nevertheless, the proverb has not yet fully passed away, that a man may be a giant in the calculus and an infant in every other department of thought. So it is even with history; it has a fatal tendency to degenerate into cram. It is got up for repetition; the limbs of the body lie about, the living connection between them is absent. Dates, lines of kings, names of battlefields, are placed heavily on the memory; the characters of the peoples, their manner of living, the details of their civilisation, their constitutions,

are little understood. A man may be able to count accurately every yard of distance to the stars, or to reckon up all the kings, and be none the wiser or the more efficient thereby. His mind, so far, may be nothing more than an encyclopædia.

What then, we must now ask, is that education which is worthy of its great name, which can perform the invaluable service of teaching the young being how to think? What is the best instrument for developing his whole nature, for enlightening and ennobling his soul, for imparting the fullest command of his faculties of thought, for placing him in the world in which he has to live enriched with the highest power of understanding, judging, and, acting amidst the endless elements of human life? I venture to affirm that for the supreme work, this most important want of man's being, no instrument can be compared with the study of the Greek and Latin languages. Greek, pre-eminently has no equal, it is the strongest, the most efficient, the richest in great results, of all the tools available to man for education.

This assertion will seem to many an old-fashioned and feeble cry, that knows nothing of the vast wealth, the unspeakable treasures of knowledge which science has heaped up in these grand modern days of profound study for enriching and glorifying human beings. What can Greek place by the side of these matchless stores of trained and cultivated thinking? The mistake contained in these scornful questions, I hesitate not to say, is immense. The classics are splendid literatures of the highest order, and that alone is decisive in the comparison of them with science for the great work of education. They place the boy in close contact with endless thoughts of the highest value. They touch his very being, the essence of what he is; and this fact alone confers on them an incontestable superiority over science as an educational tool. Chemistry and mechanics can bring most valuable utilities—no one disputes the fact—but they are trifles in forming a man, compared with ethics, or poetry, or history, with its explanations of human nature, of the essential demands of civilisation, of the effects of human conduct, whether for happiness or misery, of the influence over happiness of special qualities of the human soul. The essence of humanity lies here: what study can be deeper or more productive of the grand result, the perception of the qualities which make elevated men and women?

Then look at the immortal writers in Greek with whom the youthful mind is placed in contact. Think of Aristotle, one of the most living names known to the thinking world.

Reflect on his wonderful range of observation, the multitude of subjects on which he has thrown out invaluable suggestions, his profound insight into metaphysics and poetry, the marvellous acuteness with which he has explained the elements and the principles of the political life which mankind must live. There is not a statesman now living who, if he has not already mastered what Aristotle has said, might not learn from him precious lessons as to how to govern nations. Then what shall we say of his researches into political economy? how many bankers and merchants might learn from him what money is and how it does its work!

Pass on next to Thucydides. Read the funeral oration spoken by Pericles in the second year of the Peloponnesian war. Were the souls, the deep emotions of a great people under the most trying circumstances which life could well offer, the nobleness of their patriotism, their lofty conceptions of duty, their resolute determination to give their lives to a great future for their country, ever painted with so much power? I have known English statesmen of both Houses of Parliament, distinguished orators themselves, declare that to be told that their speeches recalled to mind the speech of Pericles, and have their names mentioned in combination with his, was the greatest honour they had ever received.

Need we speak of the poets of Greece, her tragedians and her comic writers, the beauty of their words, their pathos and power of touching human souls? Is not Homer a poet for all times, a force of culture and refinement down the ages?

Then think of St. Paul. Mr. Goschen publicly proclaimed at the opening of Bristol College that he had been taught to think in the study of the Epistle to the Romans. What stronger proof can be given of the matchless superiority of Greek for the accomplishment of the all-important work of education?

Thus, we see, Greek educates by means of the strongest educational force which can be brought to bear on the young, the greatness of the minds with which they are placed in contact. A mind of this order awakens in those who come under its influence many more ideas than one of lower degree, expresses them with greater truth, flashes them into lower depths of the spirit of the recipient, calls out a more fervent enthusiasm. The society of the best and ablest men is the greatest educator down to the end of life; if it moulds elderly men, how much more will it shape youths?

But more yet is to be said of the classics as an instrument

of education. They are dead languages; they cannot be learnt by speaking and writing; they demand long toil and severe study. What—exclaim many indignant friends of education—are young minds who are in such urgent need of instruction to be sentenced to spend years in learning languages which nobody speaks? There might be some sense in acquiring French or German; they express the thoughts and feelings of highly civilised nations; of what use are Greek and Latin? If they contain writings of inexpressible value, let them be translated into modern languages; we shall then be able to place the thoughts of a Plato and a Thucydides before students.

The answer to this indignant reproach is easy. It lies precisely in the difficulty encountered. It is in the time consumed that the supreme value for education in dead languages lies. The thoughts of great men, discovered by patient labour and attention, to which sound and ear give no help, are the fiercest enemies of cram, and the most efficient developers of the powers of the human brain. Lessons given in living languages may call for little thought; a shallow perception of their meaning suffices for the learner. Quite otherwise is it with an education conducted in a dead language. The difficulty of reaching the meaning, the efforts of thought, of perception, of putting the whole sense together, are the supreme merits of this unrivalled tool. Which of the meanings ascribed to the same word in the dictionary is the right one to suit the passage? The sense intended must be searched and mastered; and this search places the student in the closest communion with the great man whose thought he is searching to discover. In selecting one out of many meanings the learner is living side by side with the great writer, whilst the meaning of a simple passage in a living language may be quickly but cursorily perceived, and the mind of the student can pass on with little development of the intellect.

And let it not be forgotten that one mighty force must always be supposed to be present—responsibility to a mind ever keenly on the watch that the true meaning of the sentence shall be found and grasped. *Viva voce* must here reign supreme. Not to a written translation, but to a wielder of *viva voce* must the sense of the great passage be given. The construing youth has missed the meaning of a word or of the whole sentence. The blunder is pointed out—the badness of the logic imputed to the great Greek is exhibited. The pupil's eyes are awakened to the fatal fact that he and his Thucydides are not at one. Then the teacher will put in

motion the mightiest force of the art of education. He will tell the blundering pupil nothing of the right sense. He will flash before him the absurd meaning he is inflicting on the illustrious Greek; he will stimulate the pupil to make his author speak sense. This is true education: the right way of teaching the young mind how to think. The youth as he learns his lesson will be fully aware of what he will have to encounter, that he will have to reproduce in English, faithfully and accurately, what the deep thinking classic has written; and that if he fails to grasp it he will himself have to work out the full meaning under the acute questioning of his tutor, and in presence of his schoolfellows. It is not easy to conceive a stronger stimulus for effort than such a consciousness; and then will come the grand result, the final triumph of education, that the young student will place himself, by his own mental effort, his own thought, in intimate communion with the mighty Greek in whose society he is living.

Then think of this method when applied by Dr. Arnold to the writings of such a man as St. Paul. Here the interest in the meaning to be carried away was intense, both in the teacher and the taught. Every word was felt to be supremely important, the meaning of the sentence was so often hard to find, the jealousy of that adopted so intense, the temper to challenge and justify so keen. When will a force be found equal to this in power of developing thought in the learners, in opening their eyes to what seeking for truth means, in training them to handle every tool for discovering it, in elevating them to a consciousness that they had won a treasure of incomparable value?

In such a method *viva voce* reigned supreme. It made teacher, pupil, and the Greek live together in one common act of thinking. Cram was impossible—it dared not enter.

MISCELLANEOUS.

Mr. A. SONNENSCHEIN, in a Paper on 'Methods of Teaching,' said that they were the kernel of the whole education question, and that the only touchstone to be applied to all educational enactments was whether they aided or thwarted the employment of good methods. He warned young teachers that good methods of teaching did not act automatically and were not intended to save labour, but to direct and utilize the labours of both teacher and pupils; that the fact of

study being only an acquired taste was the cause of all the teaching difficulties, which the poet Tasso had in his way solved by his well-known lines, referring to the honey on the rim of his cup, which contains the bitter medicine within, and that the term 'method' refers both to the honey and to the medicine; that there were very many kinds of honey, but only three kinds of medicine, if applied to teaching. These three different methods are: (1) Teaching by *induction*, or ascending from the special case to the general statement, which is the rule; (2) teaching by *deduction*, or descending from the rule, the general case to the particular case; and, lastly, *cram*, which begins with the rule and ends there. That all good teachers will eschew cram, but have to choose between induction and deduction. The speaker, citing the parable of the 'Good Samaritan' as an instance of inductive teaching, strenuously advocated this method wherever possible, and demanded of teachers that they should teach inductively, proceeding from the concrete to the abstract, and from the simple to the complex, and that above all they should teach historically—*i.e.* follow the genesis of notions in the learner's mind. Thus, he said, nothing would be forced on the pupils *ab extra*; but the whole course of study would be a living organism, growing and expanding *pari passu* with the growth and expansion of the pupil's mind and character. This great end could only be attained by placing before the pupils succinctly and with the utmost clearness all the data of the proposed problem, and to do this there is but one means—viz. the children must see and handle the subjects under discussion, which method is in English somewhat awkwardly called 'Intuitional teaching.' This teaching leads the learner in some such path as the original discoverer might have travelled, and confers the highest intellectual benefit on him; but it was a primary and indispensable condition to such teaching, viz. that the teacher must absolutely dominate his subject, as otherwise he could not properly map it out, nor could he estimate the correlation of the different truths *inter se*. The whole, then, reduces itself to the acquisition of good teachers, and to get them we must with elementary teaching look to our training-colleges, and with secondary teaching begin by recognising the fact that a high university degree is not necessarily a voucher for good teaching ability.

The following is an abstract of a Paper on 'The Teachers' Guild,' by Mr. H. Courthope Bowen, M.A.,

Principal of the Finsbury Training College for Middle and Higher Schools.[1] The author pointed out that the rapid advance of education in the last twenty years had made more evident than formerly the desirability of closer co-operation among teachers themselves, as well as among the many earnest and active people who take a real practical interest in education. In laying the subject before the Congress, Mr. Bowen said he wished specially to emphasise four points: 1st, that the Guild sought to include amongst its members the *whole* body of teachers, without distinction of sex or function, as well as all the friends of education in the country; 2nd, that the Guild did not seek to coerce or dictate to any persons or any authority, or in any way to interfere with local societies; but that its one great hope was to enable teachers to help one another in every possible way, and to afford them and the public the means of forming sound and wise opinions on educational matters; 3rd, that though one of the foremost aims of the Guild was to promote '*thrift*,' and to persuade, and encourage, and help teachers to make provision for *sickness and old age*, it was not, and did not intend to become, an *eleemosynary* society in any sense of the term; 4th, that though the details of the constitution were not yet finally settled, it was at least certain that the affairs of the Guild would be managed by a council elected by the members themselves, upon which council every class of members would be adequately represented.

The work the Guild had set before itself was as follows:—To facilitate interchange of thought on educational matters. For this purpose arrangements would be made in important towns for central meeting-places where school books and apparatus might be exhibited, lectures delivered, and information given respecting courses of study. Educational libraries would also be formed. The Guild would encourage the training of teachers in middle and higher, as well as in elementary schools, and would endeavour to make the work of *foreign* schools better known, by founding travelling scholarships for young teachers, by the publication of reports made from personal observation, and of extracts and translations from foreign journals. Reports of the work of the Guild and of its branches would be published, he said, regularly in the *Journal of Education*. The Guild hoped to issue a calendar before long containing the names of teachers who fulfil certain specified conditions; and in October 1884 a registry office for teachers would be opened in London.

[1] This Paper appears *in extenso* in the *Journal of Education* for October 1884.

Mr. Bowen then proceeded to point out that one of the foremost aims of the Guild was to encourage provision for *sickness and old age.* Information would be collected and supplied by the council with reference to the facilities for saving and insurance; and some of the papers before those present would show that this work had already been commenced. It was hoped that heads of schools would bring these facilities under the notice of their assistants. The Guild had also compiled and published a list of desirable places at home and abroad in which holidays could be passed at reasonable expense. It would also be its care to facilitate the formation of holiday engagements, and to make arrangements for exchange of residence between members of different associated homes and boarding-houses.

Some eight hundred members had already joined the Guild, and local correspondents had been established at fifty large towns. After October 1, 1884, candidates for membership would have to be nominated on a form signed by three persons, of whom *two* must be members of the Guild, and *one of the three* have *personal* knowledge of the candidate. The minimum subscription was 5*s.* per annum, and after January 1, 1885, the *Journal of Education* would be sent free of charge to subscribers of not less than 10*s.* per annum.

In conclusion, after pointing out what a strong list of names the Guild possessed in its vice-presidents, and council, and other promoters, Mr. Bowen said that the proposed work of the Guild and its effort to promote the independence of teachers were its best and most valid pleas for generous support. Already a considerable number of teachers had expressed a lively interest in the work; but to carry out adequately all its objects the Guild must count its members not by *hundreds,* but by *thousands.* The Guild had good reason to hope that, at no distant day, it would include in one common bond of union the great bulk of those who are interested in the educational progress of the country.

The Rev. HENRY SOLLY read a Paper on 'Our Elder Pupils and Old Scholars.' The purport of this paper was to suggest a mode of carrying on the education and promoting the social well-being and happiness of the elder scholars in elementary or advanced schools, and of those who have left school of both sexes, among the working classes. It was proposed that they should be invited to form social unions, guilds, or fellowships, for securing the delivery of interesting lectures, the holding of 'conversation classes,'

tea meetings, concerts, occasional dances, readings, recitations, &c. Anything like dry study and school discipline should be carefully avoided, and every endeavour be made, while excluding evil influences, to promote rational recreation, interesting mental improvement, and brotherly fellowship. Certain fundamental rules of the simplest character would be imposed, and just enough supervision instituted to secure the observance of those rules; but within these limits the management of the guild should be in the hands of a committee elected by the members themselves. The use of the schoolrooms could be secured for the purposes of the guild.

Mr. S. Wall Richards, Chairman of the 'Birmingham Suburban Institutes Union,' read a paper on 'Suburban Literary Institutes in relation to the Social Life of the Country.'[1]

He began by observing that while it was pretty generally known that Birmingham was largely engaged in perfecting Municipal Institutions and in discussing Imperial questions, it was not so well known that Birmingham was also quietly engaged in solving other problems of a very important social character.

One of these problems and the one to which he desired to call special attention was, how best to extend to the suburbs of a great town those educational facilities, those opportunities for the gratification of literary and scientific tastes, those means for social enjoyment and intercourse which are readily accessible in the town itself.

He showed that life in the suburbs of Birmingham had at one time meant, what it meant in the suburbs of most other large towns even now, viz., ostracism from high-class lectures, concerts, dramatic and pianoforte recitals, &c., or the incurring of considerable expense and much personal inconvenience to obtain them. Within the last few years, however, Birmingham had become encircled with a belt of institutes, literary, scientific, and social in their aims and character, and these were infusing new life and greater mental and intellectual activity in suburban neighbourhoods, which however delightful they might be in the glory and beauty of summer, were often sadly monotonous and dreary during the gloomy days and long dark nights of winter. He explained that seven of these institutes, four of which had been recently erected at a cost of 25,000*l.*, were now in active operation,

[1] Published in pamphlet form by the Birmingham Suburban Institutes Union.

and all within a radius of less than seven miles from the centre of Birmingham, and that their success had been remarkable, not one having failed in securing the ends at which it aimed, and in each of the localities in which they have been established they are prized as a boon too precious to part with. He said several causes had, he thought, contributed to bring about this very unusual degree of success. In the first place the original promoters had conceived the happy idea of combining in one institution advantages which had previously been obtainable only in a number of separate establishments. It was decided that not only evening classes for educational work should be formed, a library and reading room established, and lectures given weekly through the winter months, by the most eminent men and women in their respective walks of literature, science, and art; but that in addition concerts, dramatic and pianoforte recitals, &c., should form a prominent feature in the programme, and that a soirée or conversazione should be held about Christmas, when all the members could meet together on neutral ground for social enjoyment and friendly intercourse.

For an annual subscription of 21*s.* for the head of the family, and for a further subscription of 10*s.* 6*d.* for every other member of the same family, all these advantages could be had. The popularity of these institutes was evidenced by the fact that the aggregate number of members at a guinea and half a guinea was upwards of 3,000. Special causes had no doubt, he said, produced these results, some of which he enumerated.

He said in the first place they were rigidly unsectarian, and again there were no reserved seats at their lectures, members appreciating highly this rule of absolute equality, nor were there any varying prices of admission.

Again, at the annual Christmas party amateur theatricals were introduced, and dancing, and it was a noted fact that the surroundings on those occasions were high toned, and always characterised by elegance and refinement. In conclusion he strongly urged that what had been done for suburban Birmingham in this direction, might also be done for every other large town and city in the kingdom.

He ventured to prophesy, to this extent at least, that when the experience of suburban Birmingham in this respect should have become the experience of most of our other large towns, a new and brighter light would have been cast upon the lives of vast numbers of English men and women, intellectual relaxation would take the place of a good deal that at

the present moment, to say the least, is frivolous if not harmful, and existence for them would have become invested with truer and more real delights, and happiness the land over would have been indefinitely multiplied and increased.

In a Paper on 'The State and Popular Education,' the Rev. A. E. BROWN maintained that the duty of the parent to provide elementary education for his child was now recognised as the very foundation of our national system, and ought not to be regarded as a mere corollary. The dependence of the school grant upon the regular progress of each child could not be given up without injustice both to parent and child unless the educational conditions of labour were also given up. With regard to the alleged increase of brain diseases, the withdrawal of two or three million children from other pursuits to intellectual labour would necessarily involve a change in the ailments to which they were liable. Mr. Brown advocated a public examination in each district, open to every child above the age of seven, to supersede a good deal of the inspector's present work. He thought a reformed system of local government in counties and districts would render separately elected school boards unnecessary, but held that the school rates should still be levied with some reference to the benefit derived from them by each particular parish. He was for making Standards V. and III. the universal, indispensable, and sufficient qualifications for full-time and half-time employment respectively in the case of children above the age of ten, but with power to local authorities to regulate the times, &c., of half-time employment under parliamentary or central control.

Professor E. A. SONNENSCHEIN, M.A., of the Mason College, called attention to the scheme for a British school of archæology at Athens, which was promoted by an influential meeting held last summer (1883), under the presidency of the Prince of Wales.[1] It was noted that Germany, France, and America have already established schools of archæology at Athens. A British school would be a valuable ally in this important work, and an excellent basis of operations for British students both in Greece and Asia Minor. The importance and value of the study of archæology were then sketched, and it was contended that its influence could not fail to be salutary, both in matters of art and of education. The distinctly marked art revival

[1] This Paper has been published *in extenso* by the author.

of the present day was cited as evidence that Great Britain is prepared to enter upon art pursuits; and the growing recognition of drawing as a subject of prime importance in our schools was appealed to. Finally, the speaker traced the connection between archæology and the study of classical literature. Classical teaching was undergoing a period of probation, which might result in its being improved, and ultimately in strengthening its hold upon the nation's mind. The speaker contended that classics must ever continue to be an element of prime importance in the education of the man of culture, so long as our civilisation remains what it is—the heritage of the civilisation of Greece and Rome. But the subject must be approached in a spirit at once more scientific, more artistic, and more human. Archæology should be recognised as a valuable ally in this movement for vivifying and purifying classical studies. A British school of archæology was recommended to the favourable consideration of the friends of art and of education.

In a Paper entitled 'Educated Women as Technical Workers,' Miss SARAH HARLAND, Mathematical Lecturer, Newnham College, Cambridge, said there was an increasing pressure of women into all departments of industry, and a consequent demand for new fields of work. This Paper considered the increase in number of educated gentlewomen seeking employment. The usual opening for impecunious gentlewomen, that of teaching, had been taken up by others with higher qualifications for the work, who are without the impulse of poverty. Some other occupation must therefore be found, possessing the three qualifications of—

1. Organisation on a large scale.
2. Permanency.
3. Giving returns which will enable the salaries paid to compete with those of teachers.

Such employments are not at present organised in a manner which makes them suitable for the proposed purpose. A careful survey shows that dressmaking may be organised to satisfy all three conditions. The social status of educated women can be assured by perfectly executed work done by educated women, working in large numbers together. The scheme requires to be carried out by co-operation, whereby the surplus profits, at present going to the proprietors of such business, could be used to provide suitable accommodation for the workers.

An interesting address on 'Technical Education in America' was delivered in this department by Mr. THOMAS EGLESTON, Professor of Mineralogy and Metallurgy, Columbia College, New York. The sheets of the address not having been returned from America up to the time of going to press, a summary of it will appear in the Appendix.[1]

[1] See Appendix B.

HEALTH.

DISPOSAL OF TOWN SEWAGE.

What is the best Method of dealing with Town Sewage? By EDWARD PRITCHARD, C.E., M. Inst. C.E., F.G.S., &c., London and Birmingham.

IN responding to the invitation to read a Paper upon the above subject, I fear I have undertaken a difficult task; more particularly when, looking back, I find the question at different periods has been considered by scientific societies and eminent sanitary engineers; however, in the following remarks the opinions expressed are the result of knowledge gained after many years' experience with the practical work of sewage disposal in several districts. Had this question been asked me some fifteen or twenty years ago, I, like many others, would have suggested irrigation; but experience of the last few years has caused a modification of my views, and the answer now would be to the effect that local circumstances must of necessity govern the particular method of treatment; and what might possibly be considered the best system for one place would prove to be an undesirable one for adoption in another. Before dealing with the various methods generally adopted in this country, which combine in a certain measure purification and utilisation, I would venture to make a few remarks in connection with some important points which must of necessity be considered before determining the question submitted.

In speaking of sewage, I refer to the liquid which flows through sewers; comprising the foul waters removed from dwelling-houses, manufactories, &c., with a certain quantity of infiltration and surface water, varying somewhat in composition and value in different towns. Chemists are generally agreed that the value of average town sewage is

worth about 15*s.* per one hundred tons; or about 2*d.* per ton in its ordinary state; this low value is attributed to the excess of water, which is necessary for the proper removal of the solids through the sewers. In reference to the composition of sewage from water-closeted towns, as compared with the discharge from the sewers of midden towns, there appears to be a general opinion that a considerable difference exists; this is not so, it having been clearly demonstrated by chemists, that the same injurious constituents of organic matter exist in both; as is also shown in the following analysis and extracts from the report of the Rivers Pollution Commission on the Mersey and Ribble Basins 1870.

Average Composition of Sewage in parts per 100,000.

Description	Solids in solution	Organic carbon	Organic nitrogen	Ammonia	Nitrogen as nitrates	Total combined nitrogen	Chlorine	Suspended matter		
								Mineral	Organic	Total
Water-closet towns . .	72·2	4·696	2·205	6·703	·003	7·728	10·66	24·18	20·51	44·69
Midden, &c., towns . .	82·4	4·181	1·975	5·435	·000	6·451	11·54	17·81	21·30	39·11

'These analytical numbers show a remarkable similarity of composition between the sewage of midden towns and that of water-closet towns. The proportion of putrescible organic matter in solution in the former is but slightly less than in the latter, whilst the organic matter in suspension is somewhat greater in midden than in water-closet sewage. For agricultural purposes, ten tons of average water-closet sewage may, in round numbers, be taken to be equal to twelve tons of average privy sewage.' . . . . . 'It seems hopeless, therefore, to anticipate any substantial reductions of sewage pollution by dealing with solid excrementitious matters only,' or, in other words, it would appear that the sewage from an average non-water-closeted town possesses, in a somewhat different form, in its composition the same objectional matters which are contained in the fæces; thus rendering necessary in either case the adoption of somewhat similar treatment of sewage disposal. Town sewage, whether liquid or solid, should be got rid of with the least possible delay; as by doing so the best results are obtainable, whether purification or utilisation is desired;

because in its raw or crude condition it is more readily purified, whether by precipitation or irrigation, than it would be if first allowed to decompose; whereas for utilisation purposes, it possesses a greater manurial value before putrescence sets in. As already premised, local conditions must govern the adoption of any particular system; and consideration must be given to such conditions, as for instance, position of outfall and its surroundings, available land, nature and capacity as to volume of the rivers or water-courses, into which the effluent sewage is to be discharged; as well as other points connected therewith.

During the present year much valuable information has been elicited respecting sewage disposal, from the evidence of eminent chemists and sanitary engineers before the Royal Commission on the Metropolitan Sewage; and the Local Government, and House of Commons' Committee inquiries, upon the Lower Thames Valley Sewerage. It has been shown that, by means of chemical reagents, matters held not only in suspension, but also in solution, have been precipitated; and that the residuum or sewage sludge, the bane of the sanitary engineer, can now be successfully treated by mechanical means; whilst it has been demonstrated that the oxygenating properties of our rivers (when the volume of the water is many times in excess of the volume of the effluent) are most effective in rendering into harmless inorganic salts the polluting organic matters contained in sewage effluent. It is only right to add, that contrary opinions are held regarding the properties said to be possessed by river water after flowing a few miles; one eminent chemist being of the opinion that zymotic diseases are propagated by germs of organisms contained in sewage, which are practically indestructible; whilst other eminent men are fully convinced that such germs, if they ever existed in a sewage effluent, are destroyed by the oxidizing influences of river water after flowing a few miles. In the interests of sanitation, it is to be hoped that the question as to whether or not such germs are indestructible shall be speedily determined, more especially as when during epidemics the influence possessed by polluted water promoting the spread of disease is considered.

A separate system of sewers, or, in other words, 'the rainfall to the river, the sewage to the land,' removes many of the difficulties attending sewage disposal; but as a hard-and-fast duplicate system of sewers is rendered prohibitory by its great cost, a partial result may be obtained by excluding,

as far as practicable, surface water from the sewers; by doing so much less difficulty and expense is incurred at the outfall in treating the sewage, and a much less expenditure in first cost for works. As all polluted surface water from the back yards of houses should be removed by means of the sewers, it naturally follows during heavy rainfall that the volume of sewage must be increased, very probably rendering necessary the construction of storm or relief outlets upon, or near, the line of intercepting or outfall sewers. Separate systems of sewers, like other things, can only be carried to a certain limit, and, although very good and proper arrangements in many instances, are not applicable to large cities and towns. Taking Birmingham as an illustration, with its various courts and alleys, in the thickly populated districts, as also the great vehicular traffic in its streets, the rainfall upon such surfaces is certainly at times as impure as the sewage itself; therefore it is very desirable that such water be conveyed to the sewers. Consequently, during heavy storms of rainfall, a discharge for a short period of diluted sewage through the storm outlets to the streams must be the inevitable result. The Rivers Pollution Prevention Act, 1876, part 2, section 3, provides that 'Every person who causes to fall or flow, or knowingly permits to fall or flow, or to be carried into any stream any solid or liquid sewage matter, shall (subject, as in this Act mentioned) be deemed to have committed an offence against this Act,' from which it would appear to be an illegal act to allow, even during heavy rainfall, a discharge of excessively diluted sewage from such storm overflows; whilst, on the contrary, I do not find in the Act any prohibitory clause preventing the discharge of surface water, however impure, from streets if conveyed, say for instance, by gravitation, along the various street channels which exist in all our well-paved towns. This condition of the sanitary law is, in my opinion, an anomaly which ought not to exist, and well deserves the consideration of this Congress.

The methods generally adopted in this country for the disposal of town sewage, and to which I propose to briefly refer, I have classified as follows:—

1. Land purification.
2. Chemical precipitation.
3. Discharge of sewage into the sea.

1. *Land Purification.*

Under this head may be considered two methods for the purification of sewage:—

(*a*) Sewage irrigation.
(*b*) Intermittent filtration.

(*a*) *Sewage irrigation.*—Broad irrigation is the application of the minimum quantity of sewage to the maximum area of land, whereby the sewage is allowed to flow over the land, the greatest return being obtained from this process of sewage utilisation. This method has been largely adopted in the country, and for over 200 years it has been in operation on the Craigentinny meadows near Edinburgh; it is also in operation in Croydon, Leamington, Warwick, Wrexham, Doncaster, Blackburn, Cheltenham, Reading, and many other places. In the case of the Leamington, Warwick, and several other farms, the sewage is conveyed direct to the land without any previous separation of the matter held in suspension, whilst in some instances the solid sewage is arrested by straining. With suitable land and proper management good results are obtainable without the creation of nuisance; but as the true value appears now to be more generally known, sewage treated by broad irrigation, unless under exceptional circumstances, does not at the present time find much favour. It is estimated that one acre of land will purify the sewage from 50 to 100 persons; this is on the assumption that such land is not continuously treated. Heavy crops are obtainable from land so treated; large quantities of rye grass, mangold wurtzel, and various green crops being readily grown. On the Earl of Warwick's farm at Leamington, a few years since, over eighty tons of mangolds per acre were grown. It will, however, be perceived that in broad irrigation the first consideration would generally appear to be 'how to make it pay,' leaving the purification of the sewage as the lesser important factor. Various complaints have been made in reference to the impure affluent from sewage farms, particularly during times of wet seasons; this, however, is very frequently the result either of careless management or of imperfect drainage of the land.

(*b*) *Intermittent filtration.*—In 1868 Dr. Frankland, one of the Rivers Pollution Commissioners, determined, by experiments, that by deep drainage of land of a suitable description, sewage could be purified in large quantities upon a small area. This system was termed 'intermittent downward

filtration,' and was first put in practice in Merthyr Tydvil. In the first instance it was estimated that the sewage from 2,000 to 3,000 persons might be purified upon each acre of ground; but although this high standard was given as the population and acreage, practical experience has proved that the number of from 500 to 1,000 persons to the acre should not be exceeded. This system requires that the land shall be laid out in level beds, and properly drained at a sufficient depth, the surface of the land being prepared in ridge and furrow, and upon the ridges green crops can be successfully grown. As the name implies, the sewage is applied in an intermittent manner; it is also desirable that each bed shall have sixteen hours' rest out of the twenty-four hours, so as to permit the aeration of the soil and the consequent oxidation of the organic matters arrested.

I have constructed various works for irrigation and filtration, whereby the sewage is treated in the proportion of from 80 persons to 1,300 persons to one acre. In the latter case, however, the sewage was treated by deposition and straining in tanks, prior to its passage through the soil. This process of sewage treatment is a costly one in the first instance for the preparation of the ground, the outlay in some instances reaching a sum in excess of 200*l.* per acre, whilst the cost of preparation of ground for broad irrigation might not exceed under favourable circumstances, 10*l.* to 15*l.* per acre. The cost of works, however, whether for irrigation or filtration, must be governed by local conditions, my own experience proving that sums from 7*l.* 10*s.* to nearly 700*l.* per acre, have been expended in the preparation of land for sewage treatment.

2. *Chemical Precipitation.*

The treatment of town sewage by chemicals has now occupied the attention of engineers and others for many years. I do not propose in this Paper to refer to the numerous processes that have been brought before the public during the past twenty years; suffice it to say that their name is legion, and when referring to the great number of such schemes submitted to the public, the State Board of Massachusetts say (in a sanitary text-book published in 1875):—

'This list might be extended almost indefinitely, and seems to be limited only by the bounds of human credulity. In France and Germany the precipitating processes have been given up as inefficient. In England a new "successful"

patent process is hawked about every few months, to be soon found only an addition to the list of failures, and the public is perfectly bewildered by the maze of conflicting statements and propositions.'

No doubt treatment of sewage by chemical precipitation, when the subject was less understood than at the present time, deserved the opinions so expressed; but since that day rapid strides have been made, and although not prepared to support a scheme of chemical precipitation *per se* for the purification of sewage, assuming the effluent has to be discharged into a stream of ordinary purity, still I am strongly of opinion that great improvements have been made, and it is somewhat satisfactory to find that lime, the first precipitant used, still holds its own as being able to produce fair results in sewage purification. The great difficulty for many years was how to dispose of the considerable volume of sludge, which is the natural result of precipitation. This difficulty has, however, been successfully overcome by means of the improved system of sludge presses in operation at various works, and to which I will hereafter allude. The sewage effluent from any scheme of chemical precipitation should pass through a properly constructed artificial filter, or through land deeply drained on the principle of intermittent filtration.

3. *Discharge of Sewage into the Sea.*

The sewage from towns situate upon the seacoast is generally cast into the sea, at a point below low-water mark. In some instances this is done without in any way separating the heavier matters held in suspension; in other instances—notably Brighton, Torquay, and other places—intercepting sewers have been constructed at considerable cost, by which means the sewage has been diverted to a point some distance from the town, where the influence of the tides has not exerted any disagreeable effect upon the towns so sewered, by causing any return to the beach of the sewage discharged. In other instances sewage from large cities and towns, such as London, Liverpool, Glasgow, Newcastle, and Bristol, is discharged into tidal rivers. This emptying of sewage into rivers is, however, in some instances productive of great nuisance to the public, and injury to the river. At the present time a Royal Commission is sitting to consider remedial measures for the metropolitan sewage. I had the honour of appearing before such Commission as a witness, and advised what in my opinion was the most desirable

course to adopt, viz., the extension of the existing outfall sewers of the Metropolis, so that the sewage may be discharged into the sea beyond the range of tidal influence, even assuming that such works would entail great outlay.

With the brief description of the several methods of sewage treatment, and before submitting my conclusions thereon, I have thought it desirable to submit a short description of two important works for sewage disposal in the midlands; one being the sewage outfall works of Birmingham and district, under the control of the Birmingham Tame and Rea District Drainage Board; the other being a description of the Wednesbury sewerage works now in progress.

Birmingham Tame and Rea District Drainage Board.

For the information received in connection with the sewage of Birmingham, and the method adopted for its disposal, I am indebted to Mr. Alderman Avery, J.P., and to the Engineer to the Drainage Board, Mr. W. S. Till, M. Inst. C.E.

The history in connection with the disposal of Birmingham sewage records for many years great difficulty and opposition; in fact, from 1858 until 1875 there was continual litigation. An injunction to restrain the Corporation of Birmingham from discharging sewage into the Tame was obtained by Sir C. B. Adderley (now Lord Norton), whilst in 1870, an order of sequestration was granted to him by the Court of Chancery. About the same time an injunction was obtained by the Gravelly Hill Relators, requiring the Corporation to abate the nuisance caused by the sludge lying in drying beds. In consequence of these actions and the injunctions to restrain, the Corporation proceeded in 1872, on the recommendation of their sewerage committee, to obtain Parliamentary powers for the purchase of 800 acres of land near to Kingsbury; which is situate some eight miles or thereabouts below the existing works of Saltley. The application to Parliament for the purpose of acquiring land was unsuccessful, being defeated on the third reading by a majority of three votes; a most remarkable result in the history of sanitary legislation. In consequence of being unable to procure land for the proper treatment of sewage, and to meet the requirements of the Court of Chancery, under the advice of Mr. Thomas Hawkesley, M. Inst. C.E., the lime process was adopted, and additional subsiding tanks constructed; this temporary measure of sewage treatment

satisfied the Court of Chancery, and in 1875 the order of sequestration was discharged. In 1877 the United Drainage Board, known as the Birmingham Tame and Rea District Drainage Board, was formed by provisional order under the Public Health Act of 1875, and upon this board now devolves the duty of treating and purifying the sewage discharged at the outfall works from the various constituent authorities (12 in number), for which purpose an additional area of 937 acres of land, in the neighbourhood of Castle Bromwich, and in the valley of the River Tame below Saltley, has been acquired by friendly negotiations; making with the land previously acquired at Saltley a total area of 1,209 acres.

The area represented under this order contains 34,245 acres, and there has been added by provisional order since that date the district of Sutton Coldfield, comprising 13,030 acres, giving a total of 47,275 acres as the area of the district contributing sewage to the outfall. The total population of the district is about 605,000, and the number contributing to the outfall is estimated approximately at 550,000. The tank capacity at Saltley is 7,300,000 gallons, and the dry weather flow of sewage 13,000,000 gallons; this volume is much increased during wet weather.

For the purpose of precipitation, as also to neutralise the salts contained in the sewage, milk of lime is added prior to its discharge into the tanks; and after treatment the clarified sewage passes to the land. At no time is the sewage in a perfectly quiescent condition, although the velocity through the tanks is exceedingly small and scarcely appreciable to the eye. The lime used every twenty-four hours represents between fourteen and fifteen tons, which is a little in excess of one ton per 1,000,000 gallons of sewage treated. The residuum in the form of sludge, containing from 90 to 95 per cent. of water, and representing 582 cubic yards per day, is intercepted by the tanks, and lifted by steam machinery to an altitude which permits its gravitation to land prepared to receive it; the land being formed into beds about eight yards square and eighteen inches in depth, each one in its turn being filled with the sewage sludge. The sludge is allowed to remain for a week or a little longer, when a great portion of the water has passed through the land to the drains; after which the sludge in its partially dry condition is dug into the land and covered with soil. Fifty-seven acres are necessary each year for the disposal of the sludge; thus representing a little over one acre per week. The same land

does not receive a dressing but once in three years, and from the experience gained this does not appear to be an excessive treatment.

The land thus treated is very favourable for the growth of kohl rabi, cabbage, mangold wurtzel, and such like plants; very large crops having been cultivated successfully by the farm manager (Mr. Anscombe). Under the advice of the engineer (Mr. Till), works upon the 937 acres of land previously alluded to are now or will very shortly be completed. A main conduit some 2¾ miles in length of 8 feet diameter has been constructed, as has also most important work in the laying out of land for the proper distribution of the sewage, and removal of the effluent. When completed it is expected that the great difficulties experienced for so many years will be entirely removed. In reference to the disposal of sludge, many statements have been made of a conflicting character; that such treatment in Birmingham must be productive of intolerable nuisance, and that in a short time the land would become so satiated as to be unsuitable for the growing of crops; also, that offensive odours would inevitably be given off. With a thorough knowledge of the sewage outfall works at Saltley, and the mode of treatment, I am in a position to assert that such fears are groundless; for within half a mile of the boundary of the farm there are some 3,000 inhabited houses, and I have not heard of any complaint of nuisance from the residents. Certainly I have never experienced any nuisance upon any part of the land, whilst the predictions regarding the sewage sludge are equally groundless. By means of well-drained land with gravel substratum, the water is separated from the sludge; the latter after being dug into the ground rapidly disappears, consequent upon the combined action of air, soil, and plant; thus effectually preventing possibility of nuisance. As engineer to some of the constituent authorities contributing to the drainage board, I had occasion a short time since to construct an outfall sewer some ten to twelve feet in depth, through land which had already received during nine years three dressings of sludge, each dressing from sixteen to eighteen inches in depth, with the result that I scarcely found any trace of the land having been so treated.

The total expenditure upon the works up to May 1 last amounted to 381,420*l.* The total annual estimated expenditure for 1884, inclusive of repayment of principal and interest, is 49,679*l.* 15*s.*, the total estimated income for the same period being 16,402*l.* 17*s.* 1*d.*, which leaves to be

provided a sum of 33,276*l.* 17*s.* 11*d.*, or a charge per head upon the population of 1*s.* 2½*d.* The estimated cost for precipitating the sewage, chemicals, removal and disposal of the sludge in 1884 is 12,820*l.*, representing 5¾*d.* per head of the population, the actual cost of treating the sludge representing about 3½*d.* per cubic yard.

I do not know of any local authority having bestowed greater pains to ascertain and determine the right system for the proper and complete disposal of the sewage of the town and district than what the Drainage Board have done. And I would venture to suggest that the system adopted in this particular instance is the best one for the district, and great credit reflects upon the Drainage Board and its able officers in carrying out this most important and exceptional work.

Treatment of Sewage—Wednesbury.

As engineer for the scheme of sewage disposal for the Wednesbury Local Board, now in progress, I have pleasure in giving a description of the proposed works; and to better explain my meaning I have had prepared the diagram plan, or cartoon, hanging upon the wall.

Wednesbury is a town of some 25,000 inhabitants, situate in the 'Black Country' (Staffordshire) between Birmingham and Wolverhampton; at present without any system of sewers, the sewage of the town being discharged by means of open channels and pipes into the River Tame. In consequence of action taken by the Birmingham Corporation as proprietors of the water rights of the River Tame, and to prevent pollution of the same by sewage, the Wednesbury Local Board consider it necessary to construct works both for sewerage and sewage disposal; the scheme about to be carried out is one of chemical precipitation supplemented by land filtration. The system of sewers being a partially separate one, it is proposed to construct sewers to convey sewage only; surface water passing direct along the various well-paved channels which the town possesses to the several water-courses. In the construction of the works provision is made for a much larger population than at present; it is estimated that 625,000 gallons (exclusive of surface or infiltration water) will be the normal flow of sewage from the present population; and this will be conveyed to the outfall works, emptying into a brick chamber situate near to the engine-house; at this point all floating matter will be arrested and removed, the sewage then receiving an addition of milk of lime in the proportion of about five grains to the gallon,

and by means of a cast-iron baffle causing agitation, the milk of lime will be well mixed with the sewage; after passing for a distance of about eighty yards the already partially treated sewage enters another chamber, where sulphate of alumina is added in about the same proportion as the lime; agitation again takes place by means of a similar arrangement to that described; from this point the sewage flows to the various tanks (eight in number), which are calculated to contain 320,000 gallons (40,000 gallons each). As soon as one tank is filled the sewage will be diverted to the next tank, and so on, until the sewage in the first tank has been treated and the tank available for a further supply; when each tank is filled the sewage will be allowed to remain in a state of quiescence, this being the most effective way for obtaining the best results; the addition of the lime causes the sewage to be rendered alkaline, and so better prepared to receive the other reagent; a portion of the added lime forms by its contact with the sewage an insoluble carbonate of lime, and being insoluble, falls to the bottom of the tank, carrying down with it both suspended matters and also matters in solution. The action of the lime alone with careful manipulation is said to be able to reduce the quantity of organic carbon held in solution very considerably. The addition of the sulphate of alumina appears by its action to complete the process of precipitation commenced by the lime. In a short time, probably from thirty minutes to two hours, according to the character of the sewage and other conditions, precipitation rapidly progresses; the supernatant water rapidly becomes clear, leaving the precipitated matter at the bottom of the tank in the form of sewage sludge.

By means of a novel construction of floating valve the operation of emptying may commence before the precipitation is completed, inasmuch as the valve simply takes the water near to the surface, and is regulated by a sluice valve outside the tanks; the effluent from the sewage thus treated is then conveyed to land twelve acres in extent laid out in level beds as filters; having deep drains constructed on the outside of the beds, underneath the roadway divisions, after passing through the land, the effluent will be discharged into the River Tame; by the arrangement described it is improbable that any sewage will pass to the stream unpurified. The sewage sludge deposited in the tanks will be taken through pipes communicating directly with a sludge-well

near the engine-house, and it is proposed that the tank shall be cleansed after each time of using.

The buildings to be erected will comprise engine-house, pressing-house, lime and alumina mixing rooms, and workshop. In the engine-house will be placed gas-engine, and air-compressor in duplicate, which will provide the whole of the compressed air necessary for lifting and compressing the sludge. These engines will also set in motion shafting by which means the lime and alumina mixers, sludge agitators, and other machinery will be worked; as also providing compressed air for working four Shone's Ejectors.

In the pressing-room will be placed two of Messrs. S. H. Johnson and Co.'s Compensating Sludge Filter Presses, each press being capable of pressing fifteen tons of sludge per day, containing 90 per cent. of water, so as to form when pressed three tons of cake, containing 45 per cent. of moisture. The disposal of sludge has been a most difficult one for sanitary engineers to overcome, and has rendered, under certain conditions, any process of chemical precipitation undesirable, consequent upon the great quantity of sludge produced by such treatment; with no corresponding means for its removal or disposal. The proportion of sewage sludge varies according to the different towns and the mode of treatment; being as low as one ton to 4,000 or 5,000 population, and as high, as shown in Birmingham, as one ton to about 1,000 population. Many efforts have been made during the past twenty years, to effectually dispose of sewage sludge; amongst the experiments tried may be enumerated evaporation, hydraulic pressing, brick-making, cement manufacture, and a host of other methods, all of which have been unsuccessful. It is, therefore, satisfactory to find that Messrs. Johnson have successfully constructed suitable machinery for the purpose, and by means of compressed air and their sludge presses obtain a residuum which is inoffensive, and may be removed without creating any nuisance. The filter-presses referred to consist of a number of narrow cells held in a suitable frame; these cells are constructed of cast iron, the interior faces being provided with appropriate drainage surfaces, covered by a filter medium, permitting the moisture to pass. These plates are, by means of a powerful wheel-screw, pressed very closely together; the sewage sludge flows from the tanks to the sludge-well by gravitation, and is then forced into the vacuum chamber by atmospheric pressure. By an ingenious mechanical arrangement, the

valve to the vacuum chamber, after it has become charged with sludge, is closed, and that of the pipe communicating with the sludge presses opened; at the same time the compressed air forces the sludge from the vacuum chamber into the press, and exerts upon the material in the presses a considerable force, which is sufficient, generally in the course of about sixty minutes, to have removed a great percentage of the water contained in the sludge; or in other words, one part of the wet sludge containing 90 per cent. of water is by the pressure reduced to one part of sludge containing 45 per cent. of moisture only, thus reducing the bulk in the proportion of 5 to 1, and enabling the pressed cake to be removed in a solid form. For the removal of the cake a small tramway will be constructed, and by means of a toy tram tip-waggon, running under the presses, the cake will be rapidly removed and taken to a small store shed, from whence it will be removed according to the demand made for it. Although no return is now estimated for the sale of the sludge produced, in places where it is now being manufactured it finds a ready sale at a moderate sum. The total cost of preparing the sludge is found in practice to be about 2*s.* 6*d.* per ton of dry cake, or 6*d.* per ton of wet sludge.

The total cost for both sewers and sewage disposal works for Wednesbury, including the purchase of some twenty acres of land, is estimated to be some 35,000*l.*, whilst the total cost of sewage disposal works represents 7,200*l.* The annual cost of treatment varies, according to the degree of refinement adopted in the chemical precipitation, from 3*d.* or 4*d.* to 1*s.* 3*d.* per head of the population per annum; exclusive of repayment of principal and interest, but including purchase of land.

Conclusions.

1. *Land Purification.*

a. Irrigation.—Where suitable land, consisting of a loamy soil with a gravel and sand sub-stratification, can be obtained at a moderate cost, and within an easy distance from the sewage outfall, to which the sewage may flow by gravitation, irrigation is the best means of treating town sewage; inasmuch as both complete purification and utilisation of the sewage may be obtained by this method.

b. Intermittent filtration.—Treatment of town sewage by intermittent filtration may be most successfully adopted and

carried out, when a small area of land only of a suitable description can be obtained, and where broad irrigation cannot be successfully carried out, on the conditions as previously enumerated.

2. *Chemical Precipitation.*—Where a difficulty exists in obtaining even a small area of land, and where the effluent is required of considerable purity, chemical precipitation, with subsequent filtration of the effluent through land filters, is a satisfactory system for the purification of town sewage.

3. *Discharge of Sewage into the Sea.*—Towns situated upon the seacoast may dispose of the sewage in a satisfactory manner by casting it into the sea, which, under ordinary circumstances, would be the most efficient and economical system to adopt; always assuming that by doing so the sewage will not be cast back upon the shore by tidal influence. In such case, no doubt, mechanical screening and a mild system of precipitation would be necessary.

Generally, it will be perceived that no one particular system for the treatment of town sewage can be adopted for universal use, but that the local conditions and circumstances connected with each town must be carefully considered, and a method of sewage disposal prepared in accordance therewith.

UTILISATION OF TOWN REFUSE.

On the Utilisation of Town Refuse. By LAWSON TAIT, F.R.C.S., Chairman of the Health Committee of the Birmingham Corporation.

FEW of the many questions which have engaged the efforts of sanitary authorities during the brief period in which real attention has been given to the care of the public health have caused so much anxiety as the disposal of town refuse. In a few favoured places the difficulties have not been pressing, but in a town such as ours, the rapidity of whose growth has been almost unexampled, and situated as it is in the centre of England, with a river no larger than a brook, the difficulties and the dangers of the disposal of refuse have risen to an extent probably unknown in other large centres of population. Fortunately, in the growth of the town, land has been easily obtained, so that the population has been widely spread. Had the growth been as rapid, and the area as curtailed as in the older towns, Birmingham, instead of being one of the healthiest of the large towns in England, would

probably have had its death-rate heavier than any. From its situation on the highest part of the Midland district, it was obliged to adopt in its early history the system of surface household wells, and until recently these had an almost universal prevalence throughout the town; indeed they exist now in very large numbers. Closely associated, the midden privy was constructed, and in 1871 there were nearly 20,000 of these centres of disease existing in the borough, their aggregate area exceeding thirteen acres. As by far the greater part of the town is built upon hills of loose sand and gravel, it is perfectly needless for me to say that soakage from the privies into the wells was of constant occurrence, and is still far too frequent. Of these privies about 14,000 drained at that time into the sewers. There were about 7,000 water-closets, the contents of which, together with surface-filth, manufacturers' refuse, and countless other impurities, were turned, and had been ever since the town existed, into the small river traversing its area. It is not at all surprising, therefore, that the inhabitants on the banks of the river below the town raised strong objections to its being regarded as the common sewer. Injunctions were obtained and the municipal authorities were obliged to give an undertaking to the Court of Chancery to apply an efficient remedy. The discussion as to what this remedy should be occupied the most earnest attention of the Town Council for several years, and it eventuated in the most complete and radical change of municipal policy which, I venture to say, has ever occurred in any town. Up to 1871 the government of the town was conducted upon lines which it is no part of my business here to discuss or condemn, but no one who knows the town at all but will be able to substantiate my statement that the new *régime* inaugurated by the distinguished statesman who at the present moment presides over the Board of Trade, has, as it were, reconstructed every aspect of our municipal life. The town has improved in every possible way; its death-rate has fallen nearly five in the thousand, and the average age at death has been raised six years, and the whole of these beneficial changes are due to the inauguration of Mr. Chamberlain's sanitary policy.

In addition to the fouling of the river of which I have spoken, another and very great element of danger existed in the fact that the contents of the middens, either with or without drainage into the sewers, had to be dealt with, as well as a large amount of household rubbish, which, where left to dry on the surface of the ground around the dwelling-

houses, became a fertile source of danger and death. The problems we had to solve, therefore, were only two:—How we could treat the fluid impurities which ran into the river, and how we could dispose of the solid household refuse. Up to the time I am speaking of, and, indeed, up to the year 1878, with certain qualifications which I need not enter into, the contents of the middens and the solid rubbish were disposed of partly by sale to farmers, and particularly by disposal upon tips. In the early history of the town, when it covered a small area, these tips were constructed upon pieces of land which are now almost in the centre of the town, and it has been by no means an unusual thing to trace outbreaks of zymotic diseases to the accidental reopening of these accumulations of the filth of bygone generations.

During our earlier experience the sale to farmers of a mixture of ashes and excrement was a fairly profitable transaction, but they soon discovered that the material sold them possessed little real value, and whilst the amount we had to sell constantly increased, the price obtainable just as steadily diminished, as will be seen from the following table:—

Date	Boats (of 25 tons)	Average price
1876	405	£4·864
1877	442	4·257
1878	1,209	3·74
1879	1,603	2·44
1880	1,791	2·246
1881	2,038	2·053
1882	2,309	2·123
1883	2,397	1·7

The difference in price from 1876 to 1883 of 2,397 boats is 7,990*l.* The farmers, in fact, found that whilst the ashes clogged the land, the amount of fertilising material was so small as to be hardly worth the labour of application. We, on the other hand, found that not only was the price to be obtained for it constantly diminishing, but that the difficulties and cost of its transport were constantly increasing. The outlying rural districts in the immediate neighbourhood of the town, which were governed previous to 1875 without any kind of reference to sanitary work, were constituted into sanitary areas, with boards of management, who speedily found that it was not to the interests of their constituents that accumulations of this material should be allowed to lie on the canal sides within their boundaries. The canal companies, too, began to raise difficulties about transit, and about the damaging nature of this particular kind of traffic alike to

their trade and their property; and the immense importance to us of this difficulty may be, perhaps, best summarised when I say that in the last few months one of the canal companies has given us notice of an increased tariff, which would, on our transactions of the previous year, mean increased payments of between 400*l.* and 500*l.* per annum. Finally, let me say that the difficulty in the deterioration of the value of this crude manure upon the amount we now produce represents a difference of income between 1876 and 1884 of more than 10,000*l.* a year.

The Health Committee, under whose direction all this work is carried on, has been adversely criticised about an undue increase of their actual expenditure last year over that for which they have estimated, but it is perfectly clear that in the conduct of such a business as this nothing like even an approximately exact estimate can be formed, and whilst actually their excess of expenditure over estimate was 3,342*l.* 17*s.* 10*d.* on a total expenditure of nearly 45,000*l.* a year in 1883, the Committee have frequently been under their estimate, and the wonder is that a statement in any degree approaching accuracy can ever be made. The diminution of income on the old method of working is perhaps best seen by the following column of figures, which gives the total receipts from the sale of crude manure between 1877 and 1880, in which latter year a more scientific treatment of the town-refuse was introduced, and these figures indicate the very advantageous results during the last 3½ years obtained from the new method:—

Years	£	s.	d.	
1877	11,212	12	0	
1878	11,556	1	11	
1879	8,339	18	4	
1880	7,879	1	10	
1881	10,141	3	2	
1882	11,622	3	3	
1883	11,553	4	11	
1884	14,000	0	0	(estimate)

From the figures I have given, which are, except the last sum, actual cash results, it will be perfectly evident that if the old system of mixing ashes and excrement for the purpose of sale had been continued and extended, the cost of the department would have been enormously increased, and would have compelled a serious addition to the rates.

The problems we had to solve were only two in number, and they were extremely simple in character; but they

were complicated by the enormous bulk of the material to which they had to be applied, and it is from this chiefly that our progress in their solution was so slow. We found, in fact, that theoretical chemistry was of but little help, and that laboratory experiments were absolutely futile. We found that no results of a trustworthy character could be obtained unless the experiments were made upon a scale which would represent a considerable fraction of the material we had to deal with. We were therefore obliged to proceed slowly and with the utmost caution, and, looking back upon the fact that we could find absolutely no experience anywhere which we could apply to our own work, it becomes more and more astonishing to me that we made so few mistakes as we might have to place on record if an account of them were demanded. We sent out inquiries, and we visited by deputation all the large towns in Great Britain which were in any way comparable to our own, and these inquiries and investigations, concurrently with our experiments, occupied a period of nearly seven years. As they advanced, and as the results of our experiments became more accurate and more extended, the more certain did we become that the original conclusions established by the report of the Birmingham Sewage Inquiry Committee were those alone which were applicable to our town. The recommendations were as follows:—'The exclusion of animal excreta from the sewers is, in the opinion of the Committee, essential both to the effectual treatment of sewage and to the health and comfort of the population, and they have arrived at the conclusion that this object may be attained by a reform of the system of exposed privies and open middens now prevailing in the town, and which defile the air, poison the water, and, by means of connecting drains, pollute the sewage.'

The first principle we established, and we arrived at it chiefly from the disastrous experience of other towns, where it had not been adopted, was that it was absolutely essential to keep the two elements with which we had to deal—the household refuse and the excreta—entirely separate, and for this purpose we established a system of dual and joint collection which has proved perfectly satisfactory. In the reconstruction of closet accommodation, we filled up the old middens and replaced them by simple closets, under the seats of which we placed large galvanised pans. These pans are coated inside from time to time with boiling tar, an operation which very much diminishes the smell and enables them to be easily cleaned. Somewhere near the closets ash-tubs,

either of wood or iron, are placed, into which the tenants are requested to place their household refuse, and they are strictly forbidden to empty slops into the pans. It took a long time to educate the population to the fulfilment of even these simple directions, and much trouble was encountered for several years in establishing the fresh arrangement. We found that many people objected to it, and clung with a mistaken but most affectionate pertinacity to the foul middens to which they had been accustomed. The arrangements for the collection of the pans and ashes were at first defective, and a good deal of outcry was raised from time to time against the objectionable smells which the vans emitted as they passed through the streets; but as the details became perfected one after another these objections ceased, and we were not troubled with any complaints. Indeed, the complaints now are all against the old system, for when the remaining middens are to be emptied the overwhelming stench which prevails all over the neighbourhood for some hours after the process is a never-failing theme of complaint by exactly the same people who, when they were accustomed to its nightly recurrence, thought it hardly worth mention.

The collecting vans are arranged to carry eighteen pans and about one ton of ashes, and the collection is made from each house regularly once a week. When the pan is removed it is covered by a lid, made to fit perfectly tight by means of a strong spring and a band of india-rubber, so that any smelling is avoided. The ash-tubs are emptied into a special receptacle at the hinder part of the van. These vans are taken to our central depôt, and there are subjected to processes of which I shall shortly speak.

Two objections have been and may be urged against the process, so far as I have described it. The first is of an unimportant character, the second of very great weight. The first is that as the work has to be done during the night some amount of noise is made at the back of each house once a week; but I venture to say, and I can speak from my own experience without any hesitation, that this is a very much smaller evil than the noise of emptying one of the old middens which sometimes went on for hours, even though this occurred only once in several months. The outrageous stench which accompanied this process was sufficient to induce one to be away from home when it occurred. The second objection is the cost of the collection, which is very heavy. The answer to it, however, is that the material has to be collected, whether it is deposited in tubs or middens,

and when it is collected from middens it has to be removed out into the country at an additional cost, which more than doubles the cost of collection. If, on the other hand, it is collected in pans and tubs on the separate system, not only does the cost of collection practically end the loss which is sustained on it, but its further treatment on the plan I have to speak of contributes, as I hope to show, to a very remarkable extent, to a set-off upon the cost of collection. Upon these grounds, therefore, in estimating the financial results of our proceeding we do not take in the cost of collection at all, because it occurs equally in both accounts, and therefore, as a common factor, may be entirely eliminated. We proceed then to discuss the whole question at the point where the material, of whatever type, has been received at the places we call wharves. There are several of these throughout the town, in all but one of which the old process is carried on, and it is to this one exception that the interest of what I have to say applies.

Whilst our system of collection and the details of reconstruction were being applied to the town, the amount of material collected at Montague Street far outstripped our powers of dealing with it by a scientific process. It had, therefore, to be converted by a primitive process of manufacture into what was practically the old midden stuff, and the only advantage we obtained so far by our new arrangement was that we had one huge midden in Montague Street in place of the thousands we had removed from the general area of the town. It was not difficult to imagine that this arrangement was extremely unsatisfactory to the inhabitants of the immediate neighbourhood of Montague Street wharf, and it increased the cost of the department very materially without any tangible gain beyond the increase of the health of the community. This increase of cost, together with the increase of population during the years in which the pan system was being extended, and the materials roughly manufactured, was displayed in the following column of figures :—

Years	Expenditure	Population	Cost per Head
1877	£33,356 15 5	377,436	1*s.* 9*d.*
1878	35,101 3 0	383,117	1 10
1879	40,446 14 1	388,884	2 0

It will be seen that the continually increasing cost of collection and the continuously diminishing value of the material again gave indications that the continuation of that policy would have been ruinous. At this point it may

probably be convenient to anticipate a criticism which is sure to be raised upon the general system of our policy for the disposal of refuse which has been adopted in Birmingham. Towns will be pointed to, of great importance and large size, in which no such costs as these are incurred, and instances of towns where the water-carriage system is in use will doubtless be specially indicated. We may, and probably will, be asked the question, Why has not the water-carriage system been adopted in Birmingham? and there are some amongst us still, I am sorry to say, who are disposed to take such a retrograde step. I need not answer the objection in detail, because the answer to it will be found in the volume I have already quoted, the report of the Birmingham Sewage Inquiry Committee. Suffice it to say generally that as Birmingham has a very elevated position we cannot obtain a water supply by gravitation. Every ounce of water used in the town, unless obtained from a soft-water cistern placed on the roof of a house, has to be pumped, and the public supply has to be raised from 200 to 600 feet, and I need not say that not only is this an extremely costly process, but that the quantity we can obtain, and from reservoirs, is such as is calculated only for the maximum requirements of a constantly growing population for all purposes exclusive of a water-carriage system of sewage. It is extremely doubtful if we could obtain in any way the additional quantity of water required for this purpose, and even if we could obtain it our difficulties would be increased instead of diminished by every gallon of water-closet liquid which was added to our already enormous bulk of sewage. It is stated in the report already quoted that in 1871 the dry weather flow of sewage was seventeen millions of gallons, and that the stormy outflow amounted to thirty-two millions of gallons each day, and from the very considerable increase of population, and the far more extensive processes now in existence, the probability is that these figures would now stand respectively at twenty millions and forty millions of gallons, all of which has to pass into a small brook. It is perfectly true that very large tracts of land have been purchased, and have been drained for the purpose of clarifying this enormous bulk of polluted water, but it is equally true, on the other side, that in the constitution of the Birmingham and district united drainage area an enormous additional area, with a very large population, has been embraced within its operations, the drainage of which will have to be passed over this land.

There are three additional arguments which can be urged

against any departure from the policy commenced in 1871 and consistently maintained until the present moment. The first is that when excrementitious matter is added to water it is absolutely impossible effectually to remove it by any process short of distillation. It is equally certain, as proved by the Sewage Inquiry Committee's report, that huge bulks of diluted sewage cannot be applied with any kind of economy to land, however extensive in area. The third objection is that human excreta contains so much valuable fertilising material that they constitute in themselves a perfect manure of great value for certain purposes. We can say further, from an experience which is now pretty extensive, that when they are reduced to a form in which they can be stored or transmitted to a distance, or applied directly to the land without further manufacture, they command a ready and profitable sale. The conclusion is, therefore, that the true economy is to preserve from waste these materials which having been taken from the land should be restored to it, and that it is a mistake to waste them by such dilution as renders them practically valueless. In fact, in such an uncertain and moist climate as we have to contend with the true principle for the utilisation of this kind of refuse is to remove from it all excess of moisture which it already contains, and certainly not to diminish its value by adding to it a useless and damaging excess of water.

Acting upon these principles, the plan we adopted was to act upon the one kind of refuse by means of the other. Immensely to our surprise, and to our no small satisfaction, we found that the solid ash-tub refuse, which amounts to 72,000 tons per annum, would burn in properly constructed furnaces without the addition of any other kind of fuel, and in this burning it is reduced to one-fourth of its original bulk, and the result is a peculiarly useful silicious clinker, which we turn to all kinds of useful purposes. It has been used to erect buildings with, to make roads and paving blocks, staircases, horse-troughs, tables, and ornamental fire-places, samples of all of which may be seen at our works. Of this kind of household rubbish there has been about eleven boats per week sent out into the country, the mere cost of transit being 500*l.* If we burn the same amount the cost would be 270*l.*, and if we used all the clinkers, as we hope to do, we should effect a further saving. The burning of this amount would occupy six furnaces of the kind we have erected for the purpose, and of the total bulk of the rubbish thus burned, 75 per cent. would be dissipated in the form of heat. From the figures I have just given it would clearly be profitable if we merely burnt the rubbish,

and did not in any way utilise the heat; but there is no physicist, certainly no manufacturer, who is not perfectly aware that one of the greatest advances of modern times has been in the utilisation of the waste energy which has a constant tendency to be dissipated in the form of heat. The loss would therefore be enormous if we allowed 75 per cent. of the energy contained in the 72,000 tons of this rubbish to be annually wasted.

In order to utilise this waste heat the plan adopted by the Health Committee was to apply it for the removal of moisture from the contents of the pans. The means by which this is done is extremely simple. Boilers are placed in the furnaces, and the heat is transferred by means of steam to large machines, of which a working model is here exhibited, into which about sixteen tons of pail stuff is put as a charge with sufficient sulphuric acid to fix the ammonia. A hot-air blast from the furnace flue is drawn through the machines by means of a blower. The steam is applied by means of a steam-jacket and hollow spindles, fitted with rotating arms, and in about twenty hours the sixteen tons is reduced to one ton of solid poudrette containing from 7 to 9 per cent. of ammonia, according to the time of the year, and from 2 to 3 per cent. of phosphates. Without any further treatment or addition this forms an admirable manure for top dressings, and for all kinds of rapidly growing roots, particularly the beet-root, and in the growth of those vegetables for the purpose of sugar manufacture this kind of manure has been found extremely valuable, and doubtless it will also have a ready sale for sugar cane and cotton.

In all our estimates of profit and loss in dealing with our refuse, we found it convenient to take one ton of pail stuff as received at the wharf as the unit of statement. On the old system we found we lost 8*s.* upon every ton we collected. In the winter of 1881–2, when our machinery was very incomplete, and only on an experimental scale, we were able to reduce our loss to 3*s.* 9*d.* per ton. In 1883 we collected nearly 1,850,000 of pails containing 26,000 tons of stuff, and we estimate that if all this material were manufactured into poudrette, the actual loss of 10,400*l.* a year would be turned into an actual profit of 11,700*l.*, giving a gross difference of 22,000*l.* a year.

In conclusion, let me say that whilst I am perfectly satisfied that the financial gain to the borough would be a considerable sum, according to the price obtained for the manure, there is no doubt that these estimates are to a

considerable extent speculative, but there is no speculation in the statement that we should save for the community a quantity of valuable material which is now absolutely wasted, and there is considerable consolation in the fact that, whilst, as I said in the beginning of this paper, our estimates never can be made with anything like exactness, yet we have been completely justified by results in placing our estimates for cash receipts on the sale of manure largely in excess of those of last year. In 1883 our total receipts were 11,553*l.* on the sale of manure, against 7,879*l.* in 1880, that is, before we began to sell poudrette. For this year we estimate our income from the source at 14,000*l.* On July 31 we had received 7,069*l.*, and had 400*l.* due for stock in course of delivery. As the best part of the year for our sales has yet to come, and as we are quite confident we can obtain an increase in price, we feel assured that on December 31 our estimate of income from this source will be completely justified.

SMOKE ABATEMENT.

What is the best Method of dealing with the Products of Combustion? By Captain DOUGLAS GALTON, C.B., D.C.L., LL.D., F.R.S.

THE persistent increase of our towns is a notable feature of the present age. They have grown up from small beginnings, and the danger to health from agglomerating together a large mass of houses was not perceived till it had attained large proportions.

These evils arise because this agglomeration of dwellings has been carried on (as is the case in most of our towns) without regulations as to the spaces between the houses, or as to the methods to be observed to prevent the pollution of the ground occupied or the air which is breathed.

But it is only when the towns have grown to a considerable size that these evils become very apparent.

The purity of the water-supply has long been taken in hand. It is only recently that the desire to render the atmosphere of our towns more pure has taken shape.

One source of pollution of town air lies in our streets and dust-bins. Most towns profess to guard against this source of pollution, although few do so as effectually as they should do.

Another source of the pollution of town air is that

arising from our chimneys. It is to this source of pollution that this paper relates.

Efforts have been made recently to combat this cause of pollution.

The Smoke Abatement Society was formed with this object. They held exhibitions of smoke-preventing apparatus in London and in Manchester; and it is chiefly by means of the results attained by these various exhibitions that I hope to show you that the prevention of smoke is possible if all classes of the community will unite to say that smoke shall be prevented.

The question is, How far will people submit to restrictions in their dwellings for the purpose of securing purity of air?

The smoke of our towns arises partly from the dwelling-houses and partly from manufactories and steam-engines.

A great diminution of smoke would ensue in a town like Birmingham if the manufacturers and owners of steam-engines were prevented from creating smoke; but it is equally necessary that the smoke of private houses should be prevented. Much misconception prevails as to the economy attending the combustion of smoke.

It is urged by some modern authorities that the combustion of smoke is not economical, because the excess of air which it is necessary to introduce through the fire to effect the combustion of the gases and thus to prevent the formation of smoke has to be heated, and the heat so applied more than balances that produced by the combustion of the smoke. As regards actual sooty smoke, the solid carbon probably does not exceed one per cent. of the amount of the fuel burnt, and to this extent their view may possibly be correct; but the completion of the combustion of invisible carbon, present in the gaseous products, as carbonic oxide or as hydro-carbons, is certainly remunerative, and the tests made by Mr. D. Kinnear Clark, for the Smoke Abatement Committee, show that increased efficiency, measured by evaporative power of the fuel, was obtained by the use of many of the various appliances exhibited.

With regard to the smoke of boiler-furnaces, the endeavour to prevent smoke in them is no new thing. The smoke from furnaces first called the attention of the public to the subject, and the earlier efforts at smoke abatement were made on these furnaces.

James Watt suggested in 1785 the use of smoke-consuming boiler-furnaces, fed with cold air; and in 1801 Roberton adopted an arrangement devised by Watt, in which

cold fuel was fed behind the incandescent mass on to a slightly-inclined grate. Darcet in France and Parkes in England seem to have been the first to attempt the solution of the problem by an alternative scheme, which involved the admission through the fire-bridge of a stream of heated air, with a view to complete the combustion of the smoke and gaseous products; while a third scheme was patented in 1837 by Fairbairn, who provided two grates, and so arranged the stoking that when one furnace is in full combustion, the gaseous products from the other pass over a mass of incandescent fuel, the direction of the combustible gases and smoke being alternated from time to time.

Numerous plans for the prevention of smoke followed the efforts of James Watt, but in this country the question does not seem to have assumed public importance until 1829, when a Select Committee of the House of Commons specially considered the effect of factory furnaces in relation to public health; and in 1843 another Committee inquired into the 'means and expediency of preventing the nuisance of smoke.'

About the same time the railways were assuming importance from their rapid extension, and a clause was introduced into the Railways Regulation Act to compel railway companies to consume the smoke of their locomotive engines.

It is remarkable how inoperative this has been; and it is certainly no credit to the locomotive engineers of railway companies that so much smoke is still emitted from railway engines.

Some of the earlier attempts to prevent smoke in furnaces were made by means of arrangements for admitting air by the furnace-doors, or at a fire-bridge at the back of the grate, and of these many are successful in preventing smoke; but it must be observed that systems by which air is introduced with a view to complete the combustion either of gaseous or of solid fuel that has been imperfectly burnt on the grate of the furnace, is not likely to lead to the most economical results; and in cases in which the amount of air introduced cannot be controlled either automatically or by hand, waste may arise in two ways: either sufficient air may not be admitted, in which case fuel will be wasted; or too much air may pass through the furnace, and thus lead to waste of heat.

The prevention of smoke in furnaces has been successfully effected by the mechanical stokers. These are designed to substitute mechanical power for the manual labour of the

stoker, by the delivery of a small and continuous supply of fuel to the furnace in the place of the larger quantities cast in by hand from time to time as required. At the same time a constant movement of the fire-bars is effected, by which the adhesion of masses of clinker to the bars is prevented, thus permitting at all times the free access of air beneath the fire to promote combustion.

The use of mechanical stokers is of the greatest importance in abating smoke. Not only is the saving of labour very considerable, and the saving of fuel most marked, but smoke, during their working, can be either entirely avoided or much reduced in amount. Most of the forms in use, however, require occasional assistance by hand, thus showing that they are still open to further improvement.

There is a widespread belief that a careful stoker can attain by skilful treatment of the boiler-fire all the effects that a mechanical smoke-consuming appliance will yield, and the uniformity with which 'mechanical stokers' act has often been urged as a reason against their use; but mechanical appliances may readily be adjusted to meet the changing needs and conditions of the furnace, and they must, in the end, be less costly than the skilled labour required to produce equal results by hand-firing.

The steam-engine, however, is a wasteful medium for obtaining work by the development of heat. That is to say, the whole heat developed by the fuel used is not utilised. Taking a good condensing-engine as an example, we may roughly say that, dividing the whole heat energy into ten equal parts, two escape by the chimney, one is lost by radiation and friction, six remain unused when the steam is discharged, and one only is realised in useful work. It may be fully admitted that the greater part of the aggregate loss is inevitable; but are we to suppose that the resources of science, ingenuity, and skill have been exhausted in the attainment of so miserable a result?

The way in which this heat is lost is easy to see. First, in order to force a transmission of heat from the fire to the water in the boiler, a certain excess of temperature over that of the water must exist in the furnace and flues, and the whole of the heat below the required excess must pass away unused, except the trifling portion of it which disappears in the production of draught. Further, since we cannot avoid admitting the nitrogen of the air along with the oxygen, we have to heat a large volume of neutral gas which has no other effect than to rob the fire. Considering what efforts

have been made to facilitate the transmission of the heat by augmenting the evaporative surface, and using thin tubes as flues, it is vain to expect any great result from further perseverance in that direction, and unless a method can be devised of burning the fuel inside instead of outside the apparatus, so as to use the heated gases conjointly with the steam as a working medium in the engine, a remedy appears to be hopeless.

If we could generate the heat in the cylinder, and so utilise all that is generated, we might hope for better results, and the gas-engine is an instance of this mode of the utilisation of heat.

This is not an engineering paper, and it is therefore sufficient to have indicated that an important method of smoke-prevention, in connection with manufactories, will be to change the rough-and-ready process which we now adopt of burning raw coal into the more scientific method of using gaseous fuel.

You may accept it as an axiom that it is not by methods for improving the consumption of crude coal that we shall ever arrive at freeing the atmosphere from smoke. To do this effectually we must resort to gas. It is nearly thirty years ago that the late Sir W. Siemens endeavoured to introduce into this town gas for heating purposes, both for manufactories and for houses.

The opposition of the then Gas Company prevented this grand experiment, and it has been in abeyance ever since.

It is, however, noteworthy that various industries have succeeded in abolishing smoke by the use of gas; as, for instance, Messrs. Minton, who have done so in their pottery kilns at Stoke; and the use of gas has been extended to baking and other ovens. It is needless in this district to refer to the various improved methods of iron machinery by which smoke is avoided.

We next come to smoke produced in domestic fireplaces, both for cooking and warming.

The various Smoke Abatement Exhibitions have related chiefly to this class of apparatus.

So far as relates to smoke from cooking apparatus the general results may be summed up in the statement that when the fuel is burned in a close stove, it is possible to obtain comparative absence from smoke; but there is no doubt that if smoke abatement be the object to be attained it is to gaseous fuel in our kitchens that we must look for the solution of the question. If gas costs 3*s.* per 1,000 cubic feet, the apparatus ordinarily made cannot be relied on to produce

the same heating power as coal, except at about four times the cost; but this difference would be amply compensated for if, where gas is used, it is only lighted when the cooking operation is to be performed, and extinguished immediately the operation is concluded. And gas possesses, moreover, the advantage of superior cleanliness, freedom from ashes, &c.

We next come to the question of the open fireplace. A separate fire in each room, each of which produces a notable amount of smoke, is one great cause of the smokiness of our towns in winter.

The open fire has great merits. The reason why the open fireplace holds its own so powerfully is because of these merits. In the first place, it warms the room chiefly by radiation. It therefore warms the walls, furniture, floor, and ceiling with its rays. The comfort you feel in a room well warmed by an open fire arises from the fact that you do not part with the heat of your bodies rapidly to the surrounding walls by radiation of the heat from your bodies to surrounding objects, which would be the case if the walls remained cold.

At the same time that the heat of your bodies is thus retained, the air which you breathe remains cool, as the rays from the fire pass through it without heating it. The open fire is, moreover, a powerful engine of ventilation, and furnishes the room with abundance of fresh air.

Where you warm a room with hot-air or hot-water pipes, the walls and furniture remain comparatively cold and the air of the room is chiefly heated. Thus you breathe warmed air, whilst you lose the heat of your body to surrounding cold surfaces by radiation.

With steam-pipes for heating, which are so much hotter than hot-water pipes, you have the advantage of having the walls and furniture warmed, but the air you breathe is also heated. Moreover, when you give up the open fire you require special ventilating arrangements to insure that you shall obtain a sufficient change of air.

It is mentioned above that with steam-engines we burn a vast amount more coal than is required to produce the energy which the steam-engine develops, and similarly the open fire is most wasteful.

One pound of coal is more than sufficient, if all the heat of combustion is utilised, to raise the temperature of a room twenty feet square and twelve feet high to ten degrees above the temperature of the outer air.

If the room were not ventilated at all, and the walls were

composed of non-conducting materials, the consumption of fuel to maintain this temperature would be very small; but we must change the air of the room if we are to live in it, or else the act of breathing would render the air so impure that we should die. The air which passes out of the room to make way for fresh air is warm, and carries some heat with it; the fresh air which comes in, if cold, absorbs heat, which brings up its temperature to that of the room. All this entails a development of additional heat. For instance, if the volume of air contained in the room above-mentioned were changed every hour, one pound of coal additional would be required per hour to heat the in-flowing air, so that to maintain the temperature at ten degrees above that of the outer air during twelve hours would require twelve pounds of coal.

But the open fire consumes much more than would be necessary to keep up the heat, and it moreover removes as a rule from living-rooms as ordinarily occupied a larger quantity of air than is absolutely necessary for ventilation.

One pound of coal may be assumed to require for its perfect combustion 160 cubic feet of atmospheric air; eight pounds would require 1,280 cubic feet; from 2,000 to 3,000 cubic feet per occupant would supply theoretically sufficient ventilation; but at a very low computation of the velocity of the gases in an ordinary chimney-flue, the air would pass up the chimney at a rate of from four to six feet per second, or from 14,000 to 20,000 cubic feet per hour; with the chimneys in ordinary use, a velocity of from ten to fifteen feet per second often prevails, giving an outflow of air of from 35,000 to 40,000 cubic feet per hour.

Thus an open fire produces a very large amount of ventilation, and both the warmth and ventilation afforded by the open fire, if done on a system, might be effected much more economically.

Let us next consider what are the conditions which we require for comfort.

The normal temperature of the human body is 98° Fahr. If it rises much above or falls much below that, death would ensue. But the human body is a furnace in which the process of combustion is continually going on. Therefore, in order to preserve the normal temperature, the body must continually give off a certain amount of heat.

By the laws of radiation a heated body parts with its heat more or less rapidly in proportion to the low or high temperature of bodies near it. Thus if a hot body be placed

near a cold body, the hot body will radiate heat rapidly. If the hot body be near a body less hot than itself, but still hot, it will part with its temperature slowly.

Let us apply this to a room. If you are sitting in a room near a cold brick wall, you feel what you think is a draught. It is not necessarily a draught at all. But the side of your warm body turned next the wall parts with its heat rapidly, and you experience a local chill. If you hang a piece of carpet against the wall, the draught is no longer felt, because the carpet checks the rapidity of the radiation.

Now the chief source of heat in the open fire is its radiant heat, and as it warms the walls of the room and the furniture it takes off any sensation of chill from the walls, &c., although the air may be comparatively cool.

You must next bear in mind that the proportion of radiant heat to the total heat given out by a heated body depends on the temperature of the body.

Thus, with a red-hot piece of iron, or a flame, the great part of the heat given out is radiant heat; whereas with a body heated to from 150 to 200 degrees, like a hot-water pipe, a comparatively small proportion is radiant heat.

Therefore when you heat a room by means of hot-water pipes or by means of warmed air, the walls do not get warmed in the same proportion; and although the air may feel warm, the walls may remain comparatively cold, so that the heat of the body may be radiated to the walls and give the sensation of chill.

If we dispense with the use of the open fire, how can we obtain that comfort which the open fireplace gives?

One great source of the comfort of the open fire is due to the warmth it imparts to the floor, the walls, and the furniture.

The air of the room is warmed, not by the rays from the fire, but by the warmth imparted by those rays to those various objects. Therefore the air of the room is somewhat cooler than the walls. Now, there is undoubtedly greater exhilaration produced by breathing cool air than by breathing warm air. This is readily accounted for. One cubic foot of cold air at 32° Fahrenheit contains more oxygen than a cubic foot of expanded warmer air at 80° Fahrenheit.

It is desirable that air admitted to a room should not exceed from 55° to 60° temperature for comfort in breathing.

This will at once explain to you why the employment of warmed air alone to warm your houses does not give comfort. If the warmed air is admitted at a comfortable temperature

for breathing—viz., about 55°—the walls, which derive their heat from the air, will be somewhat below that temperature. The discomfort is caused by the warm body radiating its heat too rapidly to the colder walls.

Therefore, if you are to abandon the open fire, but retain its comfort, you must warm the walls and floors, &c., of your rooms. If you can maintain your walls, floors, and ceilings at a temperature of from 55° to 60°, combined with an adequate change of air, you will not experience much inconvenience from the loss of the open fire, however much you may regret its companionship.

There are four ways in which we may effect this.

In three of these ways one fire in each house in a central position would be used; that is to say, the heat from the fire would be conveyed to the various parts of the building by hot air, hot water, or steam.

In the fourth the heat would be applied in the room itself by means of gas.

Where warmed air is used it would be necessary to adapt the house in its original construction to the purpose, because the air would have to flow up through spaces in the walls from the basement.

The warmed air passing up the central walls of the house would part with some of its heat to the walls, and would enter the room at a temperature not higher than that of the walls.

In order to draw up the warm air into the rooms it would be necessary to have some means of extracting the air from the room, so as to draw in the warmed air. It would not always flow in of itself in this country.

Thus you see that the warming by means of fresh air involves ventilation, and, moreover, requires, if it is to be thoroughly efficient, that your architect should have thought out the whole problem when he first plans the house, and before you build it; otherwise you are met with difficulties at every turn.

In the method of heating by hot air alone you have this further consideration.

The air in the heating-chamber is necessarily at a given temperature, and your house is thus heated uniformly; but it may happen, in this climate especially, that you may want one room to be warm whilst another is cool.

It is generally on this account that other methods of heating have been preferred; such, for instance, as hot-water pipes, or steam-pipes, led from the fire, which is placed

in some central position, and arranged to accumulate the heat in those rooms or other places which it is desired to heat.

It is beyond the province of this paper to discuss the various methods of applying heat from hot-water pipes or steam-pipes, but there is no doubt that the most comfortable method would be to do so by means of a moderately-warmed floor and moderately-warmed dados extending round the room to the height of the body.

With such arrangements you may, as a rule, arrange for the heat to be cut off from any one room at pleasure. And you obtain economy of fuel by having only one furnace in the house for heating purposes, which, by means of a mechanical stoker, may be so arranged as to be smokeless.

The heating of each part of the house separately and smokelessly may also be conveniently managed by means of gas; and heating by gas may be easily rendered hygienically perfect, provided proper arrangements be made.

With gas you can apply your heat at the exact point at which you want it; you can so arrange it as to give out a low degree of heat for warming fresh in-flowing air, or to give out heat to warm your dados, and prevent your own body from losing its natural heat too rapidly by radiation; or you can use it to give out a high degree of heat, and thus to furnish radiant heat to warm you by direct radiation. It has only to be carefully adjusted to produce all these advantages.

But gas at the price of 3*s*. per 1,000 cubic feet costs for the same amount of heat-giving power nearly four times as much as coal. No doubt much economy would result from the use of gas, in the facility of lighting when wanted and extinguishing when not wanted, in cleanliness and absence of dust, the saving collaterally in cost of renewal of furniture and decoration. From these considerations, and if a cheaper gas for heating purposes were furnished by the Corporations in towns or by Gas Companies, there can be little doubt that the great convenience and cleanliness resulting from its use would soon lead to the abolition of our smoke-giving fires.

In conclusion, if we are ever to obtain an atmosphere free from smoke over the vast aggregation of buildings of which our towns are now composed, we can only do so by abandoning the crude method of burning coal in the manner of our early ancestors, and we must resort to the more scientific method of using gaseous fuel.

DISCUSSION.

Mr. BALDWIN LATHAM, C.E. (London), said he had always advocated the application of sewage to land where it was practicable, as being the simplest and most efficacious mode of dealing with it. In this country, too little attention had been paid to the investigation of the principles which govern the purification of sewage when applied to land. The French had learned from us that the proper way to dispose of sewage was to apply it to land, but since the use of sewage on land in the neighbourhood of Paris, a thorough scientific investigation had been carried on, from which we learned that the process of nitrification and subsequent purification of sewage when applied to land, was due to the action of minute organisms that abound in the soil, and that if these organisms are destroyed or rendered inactive, the nitrification of the sewage ceases. In treating sewage with chemicals before applying it to land—and there were cases where it was desirable this should be done—they must be very careful not to use any materials which were likely to destroy those organisms in the soil that produced the nitrification and purification of the sewage. Experience showed that alkaline effluents from sewage works, especially when the sewage had been treated by lime alone, were more prone to destroy fish than untreated sewage. It was, therefore, desirable that sewage effluents should be entirely neutral in their reaction, or, if there were a reaction, it should be acid rather than alkaline. Some substances, like lime, gave a peculiar odour to sewage, which it was very difficult to remove, even when the effluent was subsequently filtered through land. If the land was suitable, and the sewage was properly prepared, no expense need be incurred in the use of chemicals, as suitable land would better effect the purification of the sewage without than with chemicals. In that neighbourhood, the authorities had taken a very great amount of pains to endeavour to carry out works for the purification of the sewage by its application to land, and he could say, from having carefully inspected these works on several occasions, that they were very ably conducted, and were quite successful in purifying the sewage. He, however, could not understand how it was, with such facilities for dealing with the sewage, that the authorities of Birmingham advocated the 'pail-system' for the removal of the fæcal matter of the population; there they had sewers of ample capacity, and an abundant water-supply —more abundant than many towns which adopted water-carriage—and yet an expensive and disgusting system of harbouring and collecting the most offensive product of animal life was in use. In that respect Birmingham was behind the age, and he had no doubt it would be found to be true economy, and a great advantage to public health, if the pail-system were abolished, and the matters were removed without cost by the sewers. The dry refuse of the population may be used as fuel if kept separate from the fæces, and no doubt this matter could be utilised in Birmingham, where so much steam or other power was required. There were cases in which it was essential that sewage when applied to land should be first treated chemically. It was necessary in

all those cases where there was any doubt of the effluent subsequently getting from the land direct into any source of water-supply. He had recently adopted the A B C process in a case of this kind, and the process produced a remarkably pure effluent, and when applied to land, this water would produce no evil results. In the case of London, he was of opinion that no chemical process should be applied at the present outfalls, because the river below the outfalls had been shown to be in direct communication with wells from which water was taken for supply, and those who had used this water had been subject to frequent epidemics. He did not think sewage or sewage effluent, after chemical treatment, ought to be turned into any river in which there was the liability of drawing it almost immediately into the water-supply of a district. In his judgment, for the purpose of sewage disposal, London, and all the districts adjoining it constituting 'Greater London,' should be combined for drainage purposes into one district, and an outfall sewer should be constructed on the north bank of the river, which should convey the sewage direct into the deep water of the sea. This outfall would be at such an elevation, that a considerable area of land could be commanded by gravitation, and then at the sea-level, lands might be reclaimed, and the sewage utilised upon them by private enterprise, when the works for taking the sewage to a safe point of outfall had been carried out by the authorities. It would be found that such a scheme as this would be far cheaper than any process of local chemical treatment, and at the same time it would provide the means by which at least part of the sewage might be then profitably utilised.

Mr. W. C. Sillar (London) said that he spoke from ten years' actual experience, at Aylesbury, where the A B C system of precipitation is carried on. There were many systems seventeen or eighteen years ago, but practically there are now only two: the Aylesbury system, and precipitation by lime. The use of lime is bad, and our experience is corroborated by that of Mr. Baldwin Latham. If lime is used it displaces the ammonia, and destroys its use for agricultural purposes. To substitute alumina for lime involves expense, but this is more than made up by the result in manurial power. At Aylesbury, instead of lime, is used a mixture of animal charcoal, blood and clay, with sulphate of alumina. This is what is called the A B C process. The result is that the water is purified to a degree admitted on all sides to be fit to go into running water without any subsequent filtration. Six or seven acres of land bought for subsidiary filtration, if requisite, have never been used. The Secretary of the Highland and Agricultural Society of Scotland wrote from Edinburgh: 'I am quite of opinion that you have solved the difficulty, and I would like to see every town and village in this country adopting your system. I am now prepared to say the A B C is a first-rate fertiliser, not a *stimulant*, but full of plant food. I wish some of the towns near me would let you utilise the sewage. I will promise to be a large customer of the A B C, and I have dropped chemical manures, as they only stimulate and don't enrich the ground.' Here, in Birmingham, many people purchased the manure, and were willing to go to Aylesbury and pay 3*l.* 10*s.* per ton for it. It has been sent to the South of France for the vineyards, and

ten times the quantity produced could be sold. Aylesbury pays the company 400*l.* a year, and to sell the stuff at 3*l.* 10*s.* per ton pays. It is a small place—8,000 inhabitants—but if London were to be treated on similar terms, there would be a profit in the end. The use of alumina with the A B C process gets matters out of solution, and retains all the agricultural value of the product. The effluent is sufficiently clear to go into the river, and the manure pays its cost. In such circumstances the sewage question is so far settled, and no one has any longer the right to say that a means for the disposal of sewage is unknown.

Dr. C. R. Drysdale (London) said it was a little humiliating to know that there are other nations making a better use of the sewage than we are. In Japan, the dealers positively buy the sewage from the people, instead of receiving money to take it away. That is a fact in Eastern civilisation for us, and it is time we began to take care we don't throw all our food into the sea, as suggested by Mr. Latham. Land is a great and the only purifier. It is so good, that six feet depth of suitable soil will purify sewage water so that you can drink it. There is not the least necessity for the lime process; its use is a great mistake, and it will be discovered that all chemical processes are unnecessary. At Paris, they have bought two pieces of land into which the sewage is emptied, and the river is now getting pure again. The manure is taken by the neighbouring proprietors as they please, and the consequence is, that the value of the land has risen three, four, and five times, and the amount of food grown is astonishing—30 tons of cauliflowers per acre, 50 tons of beet, 20 tons of carrots, 60 tons of haricots. The manure did not taint the vegetables at all, the fact being that plants take up their nourishment in the form suited to them. They are sold at all the great restaurants in Paris, and there are now about 4,000 acres applied to their cultivation. We may well feel very humiliated at the condition of the Thames. We are bringing from abroad the nitrogen of millions of ages, and then it is put into the river to make a howling wilderness of every part of its banks. It would be a disgrace to belong to a nation that could throw the whole of the sewage of London into the German Ocean. There are the 10,000 acres on the north of the Thames which are asked for, and if we can get an outfall of sufficient elevation to throw the sewage over the land, the effluent will be enormous. The Chinese have scarcely any typhoid fever, because they have not our system, and as to the pail-system, he would not live in a town where it was in use. The only thing we want is the urine of the human race poured over the land to make it productive. One pound of human urine was equivalent to one pound of wheat.

Major Fosbery (Warwick) said the cheapest way of dealing with the solids in sewage was unquestionably to make the water carry them, and not to adopt the pail-system. The public assume that all obstacles are overcome when sewage works are constructed, but there is a difficulty still remaining; it is that of dealing with storm-water. As a rule no provision is made for this. In sewers, where the gradients are flat, during dry weather solids must accumulate, and when a storm occurs these are swept into the water-courses through the storm-overflows,

there hardly ever being tank accommodation for collecting them. As an instance of how inoperative many sewage works are in retaining the purity of rivers, the state of the Avon at Warwick has been worse during the last few years, although large sums of money have been spent on sewage works by the towns higher up the river. The precipitation works at Coventry are eminently a failure, the effluent doing much to pollute the river. The A B C process at Leamington had to be discontinued because it did not fulfil the necessary conditions. Since then, Leamington, at great cost, has pumped the sewage on to land, but the washing out of the sewers into the river in wet weather has produced a state of things worse than formerly. The question of dealing with sewage should be rendered more simple by the fact that precipitation works do not purify the effluent sufficiently. The actual weight of excreta from a mixed population is about thirteen times greater than that of the solid excreta, and the organic nitrogen in the former is between seven and eight times that of the latter. It is manifest, therefore, how little is done if you simply retain the solids. It is the manurial value of the liquid which is wanted on the land; the solids are of comparatively little value. The A B C works at Aylesbury are worth seeing, but it is very doubtful whether the effluent is satisfactory, and certainly the system is not applicable to large cities. The effluent from precipitation works should never be admitted into a running stream if you wish to maintain its purity. It must be passed over and through land. A system also of land filters should be established, through which the storm-water should always pass before entering rivers, as is now being carried out at Warwick. Much of the present foulness of our rivers would then be avoided.

Mr. G. Chesshire (Birmingham) said it was a mistake to suppose that the condition of the effluent was a part of the amount of excreta utilised; it was *not* the effluent which caused the pollution of the rivers, but it was the polluted matter which was contained in the storm-water, viz., the *solid* human excreta, and which was washed from its hiding-place in the house drains into the sewers during the rainfall, and thence through the storm-outlets into the rivers, and no method whatever of dealing with the sewage *beyond* the sewer's outfall, without interception of the solid portion of the excreta at the meeting-point, before it has been placed under the control of the rainfall, would ever solve the sewage problem. The whole system as now in operation was a mockery and a delusion from beginning to end.

Mr. Alderman Avery (Edgbaston) said it seemed that the doctors agreed in nothing so much as in disliking any scheme but their own. Mr. Latham spoke in condemnation of lime, but Dr. Franklin, Dr. Völcker, and others, had advised its use at Birmingham, chiefly on account of the metallic nature of the sewage, and it has been used as an auxiliary with the best results. The pail system is only used in about 60,000 of the small houses under 10*l.* rental, to which it would be almost impossible to adopt the water-closet system. For a number of years the town has had from 100 to 120 acres of land at Saltley, upon which was treated the sewage of Birmingham and the district, but Parlia-

ment prevented their obtaining more land. They were forbidden to discharge sewage into the river, and yet could not get land to purify it, and to utilise it upon. They had forty or fifty miles of streets without sewers, to the great injury of the health of the inhabitants. They gradually acquired more land, and increased the tank system. For the last ten or twelve years the sewage of Birmingham has been treated upon 287 acres of land, which have had constantly increasing crops, and there has also been a continual diminution in the nuisance until it has absolutely disappeared. He heard the suggestion from one of the speakers, that the sewage of London should be discharged into the sea, with great astonishment and concern. Surely it is a startling proposal that we should have a large mass of sewage, capable of producing an immense quantity of food, tumbling into the sea—sooner or later to return. The proper way of dealing with the sewage is to make it fertilise the land, thus affecting considerably the wealth of the country. There were no unsurmountable difficulties in the way of dealing with some portion of the London sewage, especially on the north side of the river, for during a number of years Birmingham has treated its sewage upon 280 acres of land. Every day it had to dispose of 580 tons of solid, and, as that is mixed with fluid, it has to be somewhat dried. Time does not prevent the putrefaction, but retards it, and before it sets in the matter is dug into the ground. What would be the result of adding the sewage for 60,000 more houses to this quantity? The sludge might become offensive before it could be dealt with, but at present all the people taken over the works admit that there is no nuisance. Why should not London do the same on the north side of the river? The effluent is a difficulty where you have a large town and a small river, but where it is a large river and a small town you need not trouble so much about it. At Saltley, the effluent is about the same quantity as the river, but London would escape any difficulty on that score, for the volume of the river is about four hundred times that of the sewage. Birmingham and district have about 1,209 acres, which gives about one acre to 500 persons; if it adopted broad irrigation it would want at least one acre to each 100 persons—6,000 acres. That is not obtainable, and if it were it would be an insupportable expense. The combined system of precipitation and filtration through land enables it to deal with the matter so that no one can complain. At one end the sewage is coming into the tanks black and offensive, and five miles off it is emptied into the river in a clear state. We have not adopted precipitation pure and simple, but adopted it as a powerful auxiliary. The lime process, as used, is valuable, but left to itself, the lime process is sometimes disappointing. The precipitation process, combined with lime, and finally filtered through land, is not disappointing at any time. You find a clear effluent every day, no nuisance, and luxuriant crops. Land is a valuable agent, and by the use of lime and tanks one acre is made as good as eight or ten acres would be without the precipitation process.

Mr. Powell: What does this great corporation do with the storm-water?

Mr. Avery: We have surface channels by which we dispose of a certain quantity of storm-water, and the first flush of storm-water washes the contents of the sewers into the tanks.

Lord Norton said that Mr. Avery had been very successful, and great credit was due to him; but when he said the effluent goes out in a perfectly pure state, he is mistaken. The speaker would, with his permission, send a sample of the water at Forge Mills, which would prove what he said—that partial success may be made complete by dealing with the storm-water, as Major Fosbery had suggested. If a great mass of storm-water could be shut off from the banks and sent direct into the river, it would make Mr. Avery's work a perfect success.

Mr. Avery said if it was desired to see what they were doing, a sample should be taken at the point of discharge, and not at Forge Mills, where many other things have contributed to the state of the river.

Mr. George Hurst (Bedford) said that the successful treatment of sewage in his neighbourhood had been carried out to the satisfaction of the most fastidious. The irrigation system was used on a farm of some considerable extent. The town is flat, so that the only falls in the sewers are artificial, and the sewage is pumped up about a mile from the town and allowed to flow over the land. The earth is the best disinfectant we know of, and when the sewage enters the earth there is no unpleasant smell. The engineers living on the spot enjoy the best of health. The storm-water can be very easily managed, for the sewers and drains are two distinct things. The sewers should carry off all that is impure, and the surface-drains should carry off the storm-water. That is done with success. It may not be a profitable undertaking, but, barring the expense of pumping, it has been self-supporting. To separate the drains is expensive, but if the thing is to be done perfectly it must be done well, and the result will be satisfactory, and consequently save future expense, as imperfect systems lead to endless expense.

Mr. Pritchard, in reply, said the pail-system at one time was the means of preventing a great legal difficulty at Birmingham, but that day is passed, and the retention of the system indicates one law for the rich and another for the poor. The cost of collection is given at 33,000*l.* per annum, and yet the sewers are large enough to take the whole of the fæcal matter by water carriage. The outfall works are also the most complete in the United Kingdom. The additional sewage would be about 100 tons a day, and the water-supply of the town is much better than that of many towns which have adopted the water-carriage system. There is no hard and fast line which can be laid down for universal guidance. Lime is not a complete purifier, but is an agent to be used for partial precipitation, and, when necessary, in sludge-pressing. The system proposed for Wednesbury is one of precipitation by lime and alumina, assisted by land filtration. Wednesbury has been forced into this scheme. A few years ago it proposed a system of straining through tanks and filtration through land on the same basis as adopted at Merton and several other places. As to the suggestion that sewage should flow through all the tanks, the evidence before the House of Commons on the Lower Thames Valley Sewerage

Bill was to the effect that there should be absolute quiescence so as to allow precipitation to have the best effect. Filtration through land is a necessity, and if there is a final application to land much of the impurity of the river below Birmingham will be removed. There is a vast population above Birmingham discharging sewage into the river by tributaries, and to get at the real effect of the Birmingham works samples should be taken from above and below the works and compared. It is possible that the impurity at Forge Mills is due to the discharge above. It would be impossible to have a system of duplicate sewers. The first wash of storm-water should be taken through the tanks, and in Birmingham it is so. In this matter there appears to be a remarkable anomaly. The Rivers Pollution Act renders it illegal to discharge any water into the river if it once finds its way into the sewers, but there is nothing to prevent the storm-water flowing direct into the river. The Act, if literally carried out, will render nearly all sewage works obsolete, or necessitate a very large expenditure to place them in a proper condition, which in the case of Birmingham would not be borne; it would mean three sewers there and two in smaller towns. The application of any system must be governed entirely by local conditions, and everything connected with the town must be considered before an engineer can give an opinion as to the course to pursue.

The President of the Department (Dr. Norman Chevers) said that, although engineers and chemists might disagree on minor points, all who had studied the question agreed that our towns must be drained on scientific principles, and all who had taken part in the discussion were determined to have their towns so drained.

DWELLINGS OF THE POOR.

What are the best Means, legislative or other, of securing those Improvements in the Dwellings of the Poor which are essential to the Welfare of the Community? By John Hamer, Hon. Secretary to the Mansion House Council on the Dwellings of the People.

THE principle recognised in the question I have to answer is a broad one, and affects the well-being of every member of the community, no matter what his or her station in life may be. The fact that improvements in the dwellings of the people are *essential* to the health of the nation lifts this question far above the region of class interests, and endows it with national importance. If a healthy body be conducive to a sound mind, how much more are healthy dwellings to an intelligent commonwealth! It is from this standpoint, therefore, I propose to discuss the question, and in doing so I will ask leave to alter one word, to say

'people' instead of 'poor,' for all classes alike are lamentably in need of improvements in their habitations and surroundings.

There will be no need for me to harrow your feelings by sensational narratives of individual woes. Too much has been done in this direction already, for it is one of the peculiar features of our time to make a nine days' wonder of first one thing and then another, and on the tenth to forget all about them. It is but just, however, to recognise the sterling efforts of men like Mr. George R. Sims, Mr. C. M. Sawell of the London City Mission, the Rev. A. Mearns, author of 'The Bitter Cry of Outcast London,' and of others in Glasgow, Liverpool, and elsewhere, whose powerful pens successfully aroused public feeling, for a time, some few months ago, and riveted men's thoughts on this very important question.

For many a long year quiet, unobtrusive workers have been patiently combating the evils which exist in the 'slums' of all our great towns, and though their names, some of them, may not be household words, their work has grown silently but surely. The overwrought clergymen and ministers in the poorer parishes of our cities, the City missionaries and Bible-women of all our large towns, the good and noble philanthropists of all creeds, aye, and of no creeds at all, have raised this matter of the dwellings of the people to such a point of pressing importance that 'the gospel of bricks and mortar' has been brought within measurable distance of the region of practical politics. How much further in that direction it needs to be carried I will tell you by-and-by. Just now let us consider another but equally vital aspect of the subject.

My question asks, 'What are the best means, legislative or other,' for remedying the particular evils we are discussing? I want to put aside the 'legislative' for a short time, and ask your attention to the 'other.' Amongst these I place in the foremost rank associations of men and women whose object is, by personal visitation of and familiar intercourse with the masses, to arouse such feelings of sympathy, hope, and courage as shall educate the people themselves to a proper degree of independence, love of order, and decency. This once done, the rest will follow as a matter of course. The condition of thousands of our fellow-subjects is what it is because they do not know what it is. All the preaching and lecturing in the world will not teach them this, but the touch of a human hand, the sound of a brotherly voice,

in their own surroundings will win them back from dull, dead, sullen indifference to aught but passionate self-indulgence, and enable them to breathe the humanising life which exists only outside self and manifests itself in 'living for others.'

Many splendid efforts have been made in this direction by noble-hearted women like Miss Octavia Hill and Miss Yorke, by self-denying men like the Rev. Samuel Barnett of Whitechapel, and a host of others like him in many a town and city in the provinces; but what, after all, are these isolated efforts? They are grand in themselves, but they are like drops in the ocean; they do permanent good as far as they go, but we want them multiplied a thousand-fold before we can do more than touch the fringe of this great social and national question.

How far it is possible to do this I can best tell you by sketching briefly the work—I mean the method of work pursued by the Council with which I have the honour to be connected.

The Mansion House Council on the Dwellings of the People was appointed at a public conference held at the Mansion House on December 11, 1883.

The main object of the Council is to enforce the laws at present existing, so far as they relate to the sanitary condition of dwellings, and more especially the Acts identified with the names of Sir Richard Cross and Mr. M'Cullagh Torrens.

To this end they have thought it advisable, in the first instance, to address themselves to the formation of local Sanitary Aid Committees, consisting of ladies and gentlemen able and willing to give time to personal work amongst the poor in their neighbourhood. The whole of the Metropolitan area has been divided into convenient workable districts, and thirty-three committees, of from twelve to twenty members each, have been set to work to find out and report, by means of communication with persons already visiting the poor for charitable or religious purposes, the exact condition not only of the dwellings, but particulars also of the occupation and income of the inhabitants themselves where obtainable.

These committees work by defined rules, and according to an approved plan. They are visited by the executive officer of the Council, Dr. Whitelegge, who is himself an expert in sanitation, and a monthly report is presented to the Council on forms supplied by it, showing the number of

cases in hand, their method of treatment, and the results attained.

Papers setting forth sanitary defects are freely circulated from house to house, and complaints invited; such complaints, after verification by members of the local committees, are forwarded to the sanitary authorities. If by this means the matter is set right, the case is dismissed; but should opposition from any cause be encountered, and stronger measures rendered necessary for the enforcement of the law, the case is reported by the local secretary to the Council, who reserve in their own hands all power of litigation.

Experience has shown the necessity for caution in the choice of members of local committees, and that it is important that the members of committees who undertake to visit with a view to the verification of sanitary defects should, where possible, be persons of experience already engaged in local work, as it is undesirable that the poor should be harassed by many different visitors.

It is distinctly understood that no distribution of charity is to be made in the name of the local committees, as that is not the work of the Mansion House Council.

The general duties of local committees are :—

To receive complaints regarding sanitary defects and to deal with them. The following are some of the points to which attention is paid :—

Overcrowding, ventilation, the supply of water and the state of cisterns, the character of the privy accommodation, the drainage, the state of dust-bins and the removal of dust, accumulation of manure, filth, or trade refuse, the state of chimneys, whitewashing and papering, damp, holes in roofs or floors, the removal of infectious cases, disinfection after infectious illness, the sites, foundations, and character of new buildings.

To inform householders, tenants, and others of the powers which they possess, and the duties incumbent on them under the existing sanitary laws.

To show how infectious disease and its extension may be prevented, the advantages of isolation and disinfection, and the means by which these may be obtained.

To notify to the Central Sanitary Aid Committee all inquests in which it appears that the condition of the dwelling has been in question as possibly related to the cause of death.

To co-operate with such members of vestries and district boards and their officers as take an interest in sanitary

work, with a view to helping and facilitating their action in working the provisions of the sanitary laws.

To communicate with School Board visitors, and other workers in the district, so that the Local Sanitary Aid Committees may form centres of reference for the notification of sanitary defects, and of the existence of cases of dangerous infectious disease.

To watch all building operations in their district, with a view to insuring that those provisions of the Building Acts are carried into effect which relate to the proper construction of houses and the preservation for each house of the amount of open space which the Acts require.

To watch for and promote opportunities for converting disused burial-grounds and other areas into open spaces for the use and recreation of the people.

The expenses of the local committees are for the most part borne by the Mansion House Council, who supply all necessary material in shape of circulars, forms, books and maps free of cost.

The Central Sanitary Aid Committee meets at the Mansion House every fortnight, or oftener as required, to receive the report of their executive officer, and to affiliate new committees as they are formed.

The Council are in possession of lists of almost every class of workers among the poor, including City missionaries, School Board inspectors, district visitors, Bible-women, Scripture-readers, inspectors of lodging-houses, visitors from the Strangers' Friend Society, the Charity Organisation Society, the Jewish Charitable Aid Association, and the Order of St. Vincent de Paul.

The Council have met with the warmest support from the clergy and ministers of all denominations; and, through them and existing organisations, rooms for the meetings of local committees have in many instances been obtained free of charge.

The readiness with which voluntary effort has been placed at the disposal of the Council has been most encouraging; but they are still in want of workers, especially of such as can and will work in the East End and in the southern districts. The results of very many investigations which have been undertaken by private enterprise have been freely placed at the disposal of the Council, whose work has thus been considerably lightened.

The amount of detail involved in the work is enormous, and would be utterly beyond the power of the Council to

accomplish, were it not for such assistance, and for the self-denying labours of the very large band of voluntary workers who had already come forward to aid in the work.

It will be readily understood that the formation and setting to work of the numerous local committees specified herein has been no light task, particularly when it is remembered that, with the exception of the executive officer, the assistant secretary, and a clerk, the whole work has been accomplished by the voluntary labours of members of the Council.

These labours have, however, been already abundantly rewarded by the fact that several hundreds of ladies and gentlemen have been brought into personal contact with the poor in their daily life, which is of itself, in the opinion of the Council, one of the most powerful of remedial measures that can be used for the promotion of the object they have in view.

The Council believe that they are in a fair way to be able seriously to grapple with this great social problem; but they are more than ever convinced that this will necessarily be a work involving much time, great patience and perseverance, and not a little expense.

The larger questions of rebuilding and rehousing the poor have not been lost sight of by the Council, who have had before them, as one of the most pressing of their duties, the due consideration of many schemes more or less carefully thought out; amongst which may be mentioned one for the formation of a Public Trust, which, if put into execution, would provide for the housing of large numbers of working people around suburban railway stations, and also by means of low-rented tenements in blocks, at the various centres of labour.

The Council is gradually becoming a means of intercommunication between persons desirous of purchasing bad property, with a view to converting it into habitable dwellings, and owners willing to dispose of the same. By receiving and diffusing information on these points, the Council hope to be the means of gradually replacing some of the most objectionable of the 'slums' by buildings of a healthy character, at rentals within the power of the very poorest to attain.

Many vestries and other local authorities have, through the action of the Council and its local committees, been aroused to a sense of their responsibilities; but I regret to say that the majority still neglect or decline to put in

operation the regulations which the Local Government Board recently pointed out to them they have it in their power to enforce, and in other ways manifest a very deplorable want of earnestness in tackling this important question.

It will be seen that, so far, the Mansion House Council have limited their action mainly to sanitary aid. This has been done first because this particular work was felt to be the most pressing, and at the same time the readiest to be laid hold of. It must not be thought, however, that we take no account, therefore, of the many other ameliorative measures which can be and which are being put into operation by earnest workers in the same field.

The rapid growth within the last quarter of a century of the temperance movement in its various forms has worked wonders in the reformation of the habits of the people, and in the restriction of the drink traffic. But, alas! very much remains to be done in this direction still. I was visiting a district in the East End recently, where house after house was pointed out to me as taking 50*l.* to 100*l.* a week for beer and spirits from the wage-earners whose homes form some of the worst slums in that neighbourhood. There was a bitter irony in the tone of my companion, when he assured me, as a set-off to this, that it was a beautiful sight on a Sunday morning to see the landlords and landladies of those same public-houses driving into the City to swell the congregation of one of our most popular divines!

The preservation of open spaces for recreation and the opening of coffee-palaces has done great service in improving the comfort and well-being of the people; and the suggested 'Palace of Delights' so graphically described by Mr. Walter Besant (another most able and authoritative writer on social questions), seems likely to be realised in at least one instance in Whitechapel. It is impossible to do too much in this direction, and the quicker it is done the better; for unfortunately we have in London certain self-constituted and so-styled working-men's clubs, some of which are, I have been told, little better than private public-houses where drink can be had all day on Sunday, and in some of which the largest portion of the week's earnings is spent from Friday night till Monday morning. This statement is one I cannot personally vouch for, but it has reached me from more than one quarter.

The building of better houses for the people, when undertaken and managed on commercial principles, is strongly to be commended—but the results in London have not, so far,

been all that could be desired. We have got the houses, but we have not got the right class of people into them. The rents are too high for the labouring class. We want one-roomed tenements to let at 1*s.* 6*d.* to 2*s.* a week before we can properly house the poorer people. These can be built and made to pay, if the sites could be obtained on reasonable terms; and it may become a matter for the consideration of the State one of these days as to making provision for this.

On the vexed question of emigration I am not prepared to say much. From certain districts, and for certain classes, there is no doubt a wider field and a better chance for the future in our Colonies than there is at home; but I am convinced that it is a serious mistake to draft off from our large cities the weakly-constituted, half-starved creatures, who know nothing at all of field-labour, and who become as great a burden to the Colonies as they are at home. If we could stay the steady influx from the country to the town we should accomplish a great deal, and be able to cope better with our greatest evil—that of overcrowding.

Before turning to the other branch of my subject, I wish to add my testimony to the noble work which is being done for the people by the working of the Education Acts. In the metropolis, as elsewhere, we have our differences of opinion as to the School Board policy, but all who are working amongst the people are bound to recognise the immense good the School Board has already accomplished.

Walking in one of the worst localities in Stepney, where a large percentage of the School Board fees have to be remitted owing to the poverty of the people, a well-known worker said to me, pointing to the children who greeted him wherever we went as a friend: 'I have very little hope of our doing much good with the men and women here. Why, do you know, I rarely advocate the marriage-tie because I know it will, in the majority of cases, lead to the committal of another sin; but for these children, now we have the schools, I have the brightest hopes, and nine-tenths of my life and work I devote to them.' And he was right: thirteen years of School Board work is giving us to-day fathers and mothers who have been through the schools, and who will of themselves see that their children reap the full benefit of the Acts in the future.

This brings me to a brief consideration of the legislative or administrative means which may, with advantage, be *extended,* and which in many cases—I might say most—are

imperatively needed. The machinery at present at work in enforcing the laws of sanitation is terribly deficient. It is so in two ways: we have law enough, but those whose duty it is to administer it are the last to do so; and instead of intelligent administration we have, in the majority of cases, ignorant obstruction.

Where this is not the case, the means at command are utterly incompetent to overtake the work which ought to be done. A glance at the tables I have had prepared of the number of inhabited houses in the 39 districts into which the metropolis is officially divided will show the vast areas under each authority; and it is well to remember that for 4,000,000 of people living in 500,000 houses, the wealthy metropolis generously provides 50 Medical Officers of Health, who do not average a couple of inspectors each to assist them. That is to say, each sanitary official has to look after the health of 26,000 persons! And, remember here, this is the London of to-day; but we are 'still growing' and adding to the population at the rate of 56,000 a year, 1,000 a week, or 150 a day, and according to the report just issued by Sir Edmund Henderson, during 1883 London has added to itself no fewer than 21,110 houses, forming 361 new streets extending over an area of 56 miles! To take a single instance, the parish of St. Pancras, with 35,404 inhabited houses and a population of nearly a quarter of a million, has one Medical Officer of Health, who has four sanitary inspectors to assist him in watching over the health of a community larger in numbers than the City of Edinburgh.

How is it possible for such a ridiculously small staff to attempt to cope with the responsible work set before them? When you add to this that the Vestry to which such and similar staffs are accountable is largely composed of small property owners, who resent interference and believe heartily in the good old doctrine that 'a man has a right to do what he likes with his own,' you realise the hopelessness of the present system, however aided by voluntary effort, to grapple with the evils that exist.

I am speaking of that which I know when I affirm that, so far as London is concerned, by far the larger majority of the bodies entrusted with the carrying out of the Sanitary Acts are either lukewarm in their approval of them, or indifferent as to their working, or, worse still, positively opposed to their efficient administration.

Two facts occur to me as illustrating this statement:—Last spring the Local Government Board issued a circular

urging the district authorities to put in force the regulations as to houses let out in lodgings.

Out of the 39 governing bodies in London, how many have complied with this suggestion? Up to the time I left town this morning I believe not half-a-dozen!

Again, the Royal Commissioners on the Dwellings of the Poor, one of whom, and as hearty and steady a worker as any of them, is H.R.H. the Prince of Wales, sent out blank forms to the district authorities asking their aid in the collection of statistics vital to the efficiency of their inquiry, and, if I am not incorrectly informed, the responses have been practically *nil.*

I have said that the means are insufficient, even where opposition does not restrain their use. During last session I caused a question to be put in the House of Commons to the Chairman of the Metropolitan Board of Works as to whether it was true that the District Surveyors under the Board, when they brought an action against anyone for infringing the Building Acts, did so at the risk of having to pay the costs of the action out of their own pockets if they failed, and if they won had often to sue the defendant for their own expenses. The answer was, Yes; and I ask you how can any reasonable being expect these surveyors, in receipt of 120*l.* to 150*l.* per annum, to do their duties properly when thus heavily handicapped? There are earnest, devoted men amongst those who are working these Acts, but I at least have ceased to be surprised when I find that in most cases the property-holding Vestrymen are on the best of terms with the sanitary officials! This, then, is the weak, imperfect machinery upon which we are dependent for the enforcement of the Sanitary Acts. Making every allowance possible, it is manifest that it is absolutely incompetent to perform the work. Think for a moment what has to be accomplished to place the metropolis or any other city or town in a sanitary condition.

Every new building has to be inspected and certified as having complied with the Building Acts—as to drainage, open space left, proper building materials, &c.

Houses constantly dropping so thoroughly out of repair as to be unfit for habitation have to be condemned, and when so condemned have to be watched incessantly, or an indefinite period is by the law's delays allowed to elapse before any practical steps are taken.

Public improvements, in themselves admirable, entail the sweeping away of streets of houses out of which the people are turned before other provision has been made for housing

them. We have cases in London of sites having been thus cleared and allowed to remain for four or five years unused for any purpose whatever. Twenty-two thousand persons have been compelled to leave their insanitary homes under the power of the Industrial Dwellings Acts. Accommodation has been provided for 14,000 of these. Where meanwhile are the 8,000? Houses built for the occupation of single families are turned into lodging-houses, and made to give shelter—it would be bitter irony to say homes—to four, five, or six times the number of persons allowed by the Sanitary Acts to occupy such dwellings. Tenement houses like these have to be brought under regular inspection as the common registered lodging-houses are. Who is to do it?

Nuisances of all kinds detrimental to health have to be sought out, and the terribly slow processes at present at the command of the sanitary officials to be put into operation as best they may. This portion of the work is most disheartening; the power to delay, postpone, and ultimately defeat by sheer procrastination, is one of the worst evils the would-be sanitary reformer has to contend with. A case taken in hand by one of our local committees has had to be reported upon eleven distinct times, spreading over six months, and is not finally disposed of yet.

The outbreak of infectious disease has to be most scrupulously watched, and the promptest measures taken to prevent its spread. But who is to do this? It does seem absurd, but it is a fact, that such is the anomalous state of things in London at the present time, that the sanitary authorities such as they are exist rather for the removal of nuisances than for the prevention of disease.

In the case of houses they have only the power to interfere after their condition has become so defective as to be dangerous to health; and with regard to disease produced, say by infected milk, they can do nothing until disease *has been produced* by its consumption. The duty of preventing the infection of milk, like the duty of preventing the erection of improper houses, devolves upon another body which has not even the aid of a medical officer to advise it in these important matters.

The fact is, London has no sanitary authority to deal with such questions. She has vestries, district boards, boards of guardians, a Metropolitan Board of Works, a City Corporation, and in common with the rest of the Empire a Local Government Board, and she has her so-called sanitary officials. But it is only after the site is covered, after the house is built, and after the inhabitants are exposed to ill-

health, or have lost their lives, that London thinks it well to give to the sanitary authorities power to act.

We want a large remedy for these large evils. No tinkering measures of reform will avail. Preventive, not curative should be the basis of all sanitary regulations; and ample powers should be placed in the hands of a largely increased official staff, responsible not to the property owners, who at present thwart their efforts and stifle every attempt at improvement that is made, but to a higher authority—in short, to a special department of State.

There are two questions which public opinion has brought irresistibly to the front during the last ten years. These are the education of the young and the health of all. In the arrangements of the State machinery, the care of the Education Acts is entrusted to a statesman whose time is also occupied largely in the prevention of cattle disease; and the Local Government Board, the only authority on health, has the working of the Poor Law Acts, in themselves amply sufficient to occupy the whole time of a department.

My proposal is that we should adapt our official machinery to our altered circumstances. Create a Ministry of Health and Education; surely the two things will work as harmoniously together as new cows and cattle disease. The subjects are every day becoming more and more closely allied. The education of the young becomes an impossibility, and the health of the community a chimerical dream, where the conditions of life are such that you have to distribute the living space by square inches on the floor, and families grow up with less regard to decency than a cat or a dog. Would it be beneath the dignity of the State to create a special Department to remedy so vicious a state of things, and one so vital to the present and future prosperity of the nation?

Nothing short of a practical measure of this comprehensive character will, in my opinion, meet the case. You may cleanse the Augean stables of vestrydom—their occupants will return like the sow to their wallowings in the mire. You may split up your ancient corporation into a dozen local parliaments, or try any other expedient that politics and party may devise, but for Heaven's sake do let us rescue the children's education, and the people's homes from the clutches of Bumbledom. The anomalies and cross purposes existing and indulged in at present can be destroyed by nothing short of State interference. The St. Pancras Guardians print across their rate-papers in red ink a note calling attention to what they consider an excessive School Board rate. Thus one authority seeks to bring contempt upon another.

I am not in favour of centralisation as such. I have the greatest faith in healthy local government where practicable; but I maintain that the health of the people and the education of the people are so vital to the whole nation, that their regulation should be a national, in other words a State affair.

I commend this proposal to all whom it may concern; but inasmuch as I know something of the slowness with which social as distinct from party or political reforms are effected, I would in conclusion ask your permission to urge very strongly upon all present the desirableness of enlisting as much voluntary aid as possible for the supplementing of the machinery which does exist. The Mansion House Council is steadily persevering in its work; fresh friends are lending us their aid; the medical profession are generously co-operating with us, and the Middlesex Benches of Magistrates have many of them volunteered to hold special Petty Sessions to dispose more rapidly of the cases the sanitary officials may have in hand, and so relieve the already overburdened stipendiaries.

I know that in Birmingham, Glasgow, Liverpool, Newcastle, Nottingham, and many other large towns, much has been done in the direction in which we in London are working, and I would suggest that an interchange of experience would be gladly welcomed by us, and be an advantage to all. I shall be very glad to supply anyone with particulars of our plan of work, and if by affiliation or association we can spread a network of voluntary agencies, not only over London but the whole kingdom, we shall have done something to stir up and keep alive the public interest in this great question.

It is eminently a practical question, and to many people an unsavoury one. A lady said to me the other day, 'I like to help the poor, but I can't bear stinks.' Well, no more can we, and it is because they can't 'bear stinks' that those who are working in these movements keep steadily pegging away. It is dull, monotonous, wearying, and in not a few cases heartbreaking work, but it is work towards a glorious goal. The self-denying men and women who are content to labour as hundreds are, unheedful of the world's praise or the passing sensationalism produced by 'Bitter Cries,' will find their reward in a nation growing up in healthier homes, with minds prepared to receive the seeds of intelligence, and at no distant future the people themselves will take care that the State, of which they form so important a part, *shall* administer to their needs in health and education as vigorously as it does now in the punishment of crime and the relief of pauperism,

both of which evils are in the main the results of the lack of education and of the proper sanitary conditions necessary to the health of the people in their homes.

Area, Inhabited Houses, Population, and Number of Rated Householders within the Jurisdiction of the Metropolitan Board of Works and the District Boards.

Parishes, Districts, &c.	Area in Statute Acres	1881			
		Inhabited Houses	Population	Number of Rated Householders	Number of Medical Officers of Health
City of London	650	6,432	50,401	24,385	1
St. Marylebone	1,506	16,033	154,910	13,598	1
St. Pancras	2,672	24,701	236,258	23,690	1
Lambeth	3,942	35,404	253,699	34,910	1
St. George's, Hanover Square	1,119	11,577	89,573	10,396	1
Islington	3,107	34,046	282,865	34,327	1
Shoreditch	648	15,156	126,591	15,770	1
Paddington	1 251	13,231	107,218	11,592	1
Bethnal Green	755	16,606	126,961	14,813	1
Newington, Surrey	631	13,975	107,850	14,430	1
Camberwell	4,450	27,316	186,593	26,850	1
St. James's, Westminster	162	3,022	29,941	2,608	1
Clerkenwell	380	7,104	69,076	7,052	1
Chelsea	796	11,091	88,128	10,708	1
Kensington	2,190	20,171	163,151	18,777	1
St. Luke's, Middlesex	239	4,801	46,849	4,787	1
St. George the Martyr, Southwark	284	6,761	58,652	7,172	1
Bermondsey	627	11,083	86,652	11,330	1
St. George's-in-the-East	243	5,781	47,157	5,538	1
St. Martin's-in-the-Fields	286	1,716	17,508	1,838	1
Mile End Old Town	679	14,039	105,613	13,958	1
Woolwich	1.126	4,831	36,665	4,792	1
Rotherhithe	754	4,847	36,024	5,025	1
Hampstead	2,248	5,873	45,452	5,728	1
Whitechapel	378	7,520	71,314	7,283	1
Westminster	815	6,205	59,926	7,713	1
Greenwich	3,427	19,781	131,233	20,000	1
Wandsworth	11,455	30,748	210,434	29,747	6
Hackney	3,935	27,476	186,462	27,450	1
St. Giles's	245	3,962	45,382	4,170	1
Holborn	167	3,247	36,189	2,861	1
Strand	167	2,808	32,587	3,036	1
Fulham	4,003	16,369	114,839	16,132	1
Limehouse	462	8,004	58,543	8,177	1
Poplar	2,335	20,475	156,510	20,377	2
St. Saviour's	204	3,465	28,662	3,704	1
Plumstead	10.394	9,989	63,663	9,736	4
Lewisham	6,544	11,543	71,715	11,500	1
St Olave's	125	1,524	11,956	1,743	1

*** The Medical Officer of Health has Inspectors of Nuisances to assist him, but these barely average two to each Medical Officer of Health over the whole *metropolis.*

DISCUSSION.

Dr. BALTHAZAR FOSTER (Birmingham) said that he had some excuse for speaking on this question, inasmuch as he had served on the local committee appointed to inquire into the state of the artisans' dwellings. The results of that inquiry were unsatisfactory to some people, because the committee were unable to make any sensational disclosures or recommend any radical changes. It ought, however, to be highly satisfactory to the public to know that the committee found that the dwellings of the poor were in a fair sanitary condition, that there was not much overcrowding, and that there was very little that called for State or local interference. A return made for the committee of cases of overcrowding, based on a census taken by the school-board visitors, showed only twelve cases of families living in one room within the borough. Very few cases of grave sanitary defects were discovered during the personal inspection made by the committee of the worst parts of the town. The work done by the health committee for some years past, under the chairmanship of the present mayor, deserved the credit for this satisfactory state of things. If London had similar means of self-government, its condition might soon be equally improved. To effect improvement, more practical sympathy was needed between the different classes of society. If people were less fastidious, and less fearful of bad smells, and more energetic in helping their poorer brethren by personal action, and by mixing more with them, a great deal of good might be effected. What has already been done, has been done by practical, business-like sympathy. On this ground, the speaker advocated the cleansing of the most unclean courts, at the public expense. Some people objected to this as carrying the principle of interference too far, and said that the people ought do these things for themselves. That has been tried and has failed; the foul nuisances still exist. The poor inhabitants of the filthiest courts oftentimes do not possess the means of cleansing them, or of keeping them clean when cleansed. Their poverty is terrible to contemplate, and is made all the more hideous and demoralising, because they are allowed to dwell in dirt, and have no higher standard of comfort placed before them. If an unclean court or alley were cleansed once a week by the local authority, it would present a higher standard of comfort, and exert a humanising influence on the wretched dwellers therein. Place a picture of decency before the people from time to time, and they will rise to it. To do this systematically would be the first step towards the elevation of the poorest. This plan of cleansing the worst parts of a town regularly had been found to work well in Glasgow, and he held that we must do for the people what they are unable to do for themselves. Local bodies are the best authorities for doing sanitary work. Sanitary legislation has been too little recognised by Government as an important department. It was wrong that it should be merely a subsidiary department of State work. Until we have a department of health, and a minister for health, as a responsible Government official, uniformity and thorough legislation could never

be attained. The association of education and health under a single department was indefensible. Both are of the highest importance, and surely come closer to the welfare of our fellow-citizens, than duties of a Ministry of War, or the regulation of diplomacy at Vienna or elsewhere. If the people are to leave bad dwellings, better ones must be provided in the great towns; there should be palaces of delight to help to elevate their tastes, and instruct them in higher views as to comfort. Playgrounds and open spaces were most important. In Birmingham, the disused burial-grounds have been utilised in this way. A few years back they were hideous examples of neglect, but had now been converted into smiling gardens, where the children play, and the weak and old enjoy the beauty of a trimly-kept garden. Every disused burial-ground in a large town should be so used; there is no desecration in giving beauty to an ugly thing, and making the resting place of the dead a source of health to the living. These changes are the signs of intelligent local government. To ensure good wholesome dwellings there should be a thorough inspection of all houses built in the future; for each house there should be a certificate granted by the Local Sanitary Authority, stating the house to be properly built, and fitted rightly with sanitary appliances. Again, in building new dwellings, we in Birmingham are anxious to keep each family in a separate house. The mortality of children in Birmingham compares favourably with that of London, because by the court system here the children are provided with playgrounds, away from the dangers of the streets, and so get more open air. If the flat system is adopted in Birmingham, it should be on such a plan that each family would have a separate tenement with its own entrance. In all these inquiries, the want of more frequent and efficient sanitary inspection becomes apparent. In most places, the number of sanitary inspectors and medical officers of health is too few, and the pay too small. It would be better economy in the long-run to spend more money on sanitary inspection. In concluding, Dr. Foster said, give the people in the worst part of our great towns a higher standard of cleanliness and comfort to aim at, and they will, if it be kept constantly before them, be influenced for the better. At all events the children will be saved, even when the parents are past redemption. Cleanliness and comfort will to them always prove more attractive than misery and dirt. If we could have in every bad court one model house, occupied, for example, by a policeman and his wife, it would stimulate the most degraded to some effort, and gradually lessen, by the force of example, the misery of the poorest homes.

Mr. John T. Middlemore (Birmingham) said that he should like to ask Dr. Foster where he proposed that a municipality should stop doing the work of its citizens for them? Did he understand him to say that he would stop at the cleansing of the courts, or did he propose to take a step further, and cleanse their houses for them? And if so, why not wash and dress the dirty children? It had always been considered the duty of the inhabitants of the courts to cleanse their foul places themselves, and to relieve them of this duty can only do harm; to do so will be to establish a new system of outdoor relief for the undeserving; it will be offering a reward for neglect of duty; it will

be to do for bad citizens what we refuse to do for good; and it will be taking a step in the direction of the diminution of individual responsibility. Again, Dr. Foster seemed in favour of enacting severe laws to rule and govern the erection of small houses; but why not of large houses too? Poor people know what they want and can pay for, as well as rich people, and certainly much better than parliaments and town councils. The artificial laws which parliaments make, and which town councils try to apply, are as a rule in antagonism with the great natural laws of supply and demand, and therefore only do harm. How have we interfered with these laws? Of course the laws which limit the amount of purchasable land, and which make its conveyance and its leasing costly, interfere both with the supply and demand of land and of the houses which are built on it. But why are people badly housed? He (the speaker) did not think that our artisans proper were very badly housed; it was the labourers, and the large class who are not fond of labour, who are badly housed. But why do these people live in wretched dwellings? This question is partly answered by asking another. Why are public-houses in the worst parts of our town more numerous than those in our best? The very poor live, to a great extent, in bad houses because their habits—their modes of living—are bad. For example, one in every ten of the population of Birmingham received indoor and outdoor relief in the course of last year. Would it be thought that, with 26,000 paupers and criminals in our midst—he was speaking of the parish, not of the borough, of 250,000 souls, not 400,000—that the poorest class of Birmingham is likely to be well housed under these circumstances? But add to the figures given those representing the people who are living on the verge of pauperism and on the verge of crime, those who will be included in next year's figures, though they do not appear in this, and what a condition of our poor do you find? Could these people, by any chance or possibility, be well housed? Do you believe that paying their rents for them would improve their condition? No, not a bit of it. Their hideous dwellings are local manifestations of constitutional diseases. If their condition was to be improved, he would work at the disease and not at its manifestations. He would work at the pauperism, at the idleness, at the crime of our citizens. He would not try to cure them by the base expedient of doing their work for them. He would educate them; he would teach them the duties of citizenship. He would, moreover, alter and simplify all laws which make the purchase and the transfer of land and houses difficult and expensive. They should not think they could cure the various forms of social evil by treating simply their manifestations. If a man lives in a wretched house because he is idle and drunken, you will do him no good by cleansing his court for him, by pulling down his old house and building him a better. Your pulling down his old house will create overcrowding, because he cannot or will not pay rent for a better; and your cleansing his court will do harm, because you will thus relieve him of a duty which is his, not yours. You pauperise and degrade an able-bodied man when you do his duty for him.

The President of the Association (the Right Hon. G. Shaw-

Lefevre, M.P.) said that if the statement were true that there were only twelve cases of whole families occupying one room in Birmingham, the state of Birmingham must widely differ from that of many other large towns. He should like to know how many hundreds or thousands of such cases there were in London. The case of London was an infinitely more difficult one than that of any other large town in the country. There were two classes of Acts which applied to the housing of the poor. One of them was known as Torrens' Acts, the other as Sir Richard Cross's. The one dealt with individual houses and individual people, and the other dealt with houses which must be swept away in masses, in order to effect sanitary reform in towns. He had come to the conclusion that the first class of Acts supplied a complete remedy for dealing with individual houses, and he did not believe it would be possible for the ingenuity of the legislature to improve upon those Acts. What they wanted only was an application and intelligent direction by local authorities. If in London there could be obtained a thoroughly good administrative body to carry out these Acts, known as Torrens' Acts, in each locality we should to a great extent solve the difficulty so far as these Acts were concerned. He could not contemplate putting the administration of these Acts in the central authority of London. It would be too great a work for any great central authority to undertake. It must be undertaken by smaller district authorities. But what we must do was to give the central authority power over the district authorities, so as to compel them to perform their duty. The other Acts, known as Sir Richard Cross's Acts, enabled authorities to clear away whole lots of bad houses. He need hardly point out that the difficulty in carrying out these Acts had been the enormous cost attending the execution of their provisions. An Act of 1882 reduced the obligation of the local authority in the shape of rebuilding to the extent of one-half, and this was done because the Government found that even in the heart of London one-half of the labouring people were not employed within easy reach of the site on which their dwellings stood. It was a question whether we might not say this—where a local authority could obtain a site at a less cost than in the centre of the town, they should be released from the obligation of rebuilding on the more valuable site, and be able to provide for the housing of the people where a site could be obtained at a less value. The state of things in the worst parts of London, and in some of our great towns, was not due to any mismanagement of the local authorities, but had been due to the state of the law, to the fact that the law years ago did not provide any means for preventing owners misusing their property. Therefore it seemed to him a very proper thing for the State to do something to remove effects which were due to the state of the law, and he thought the State might contribute to the clearing away of these sites, and he did not know how they could contribute better than by lending money at a low rate of interest. He was averse to local authorities building houses. He believed it was a matter far better left to private enterprise, and although these Acts in some cases did give local authorities such power, that power had very rarely been exercised, and he was very glad to see that that was the case.

Professor GAIRDNER, M.D., (Glasgow) said that at the last Congress at Birmingham he had the opportunity of going through the worst parts of the town, and he remarked that there was nothing comparable for thoroughgoing wretchedness and badness with what existed in the north. The reason was that the Scotch houses were built in the French fashion, right up to the sky, whereas in Birmingham they were built in exactly the opposite way. The experiment at Glasgow has been largely beneficial, the improvements have been most substantial. The population displaced has been improved by the displacement. There is no principle upon which a municipality can to a large extent convert itself into a landlord for the poor, and interfere with the law of supply and demand. If the municipality bound itself to supply what was wanting, sooner or later the houses would not suit those for whom they were built. By becoming builders of houses for the poor they would deprive themselves to a great extent of the most important function of the municipality—efficient regulation of houses and condemnation of bad ones. The principle of legislation, municipal and governmental improvement, is the principle of the condemnation of the bad, but in order to make that efficient it must be a sustained action, and not done by fits and starts. Such action would bring discomfort and distress in clearing whole parts of a town, but the same thing occurs when a railway company requires a quarter of a town for a station, or the Government requires it for a palace of justice. The true and only key to the question lay in sustained sanitary pressure, sustained pegging away at those conditions which most interfere with the health and life of the poor. No one should be able to build a house without the fear that if it were bad it would be condemned and have to come down. Till that can be done we must fight on the old lines, but when it does come the improvement will be continuous through the whole empire. For the purpose of discouraging sanitary legislation it was said that London was a very healthy town. London is not one place, but a multitude of places, so that the death-rate is the mortality of numerous bad places diluted by that of healthy and wealthy places. The fact of London having a low death-rate is no proof that there is no part of London as bad as anywhere else. About 1862 while there was improvement in the large towns of England, the large towns of Scotland seemed to be getting worse, presumably because there were no sanitary regulations in those towns. Shortly after this the state of Glasgow began to improve. In nearly every great town in Scotland there has been an improvement in the death-rate; but it has not decreased in the country, so it is evident that the matter will not be settled when we have dealt with the towns: we shall still have the country to improve in the same way.

Mr. FRANCIS S. POWELL (Bradford) said a suggestion was made that there should be a department of health and education combined. An educated minister will have ample scope for his labours, and that department, however well manned, will find no leisure to devote time and energy to any other work than that of education. There need not be a complete divorce between the two, for Dr. Crichton Browne, reporting on over-pressure, recommended that the medical

officers of health should pay frequent visits to schools, and observe their sanitary condition, and notice the health of the children. The departments of health and pauperism ought to continue under the same roof. There is no doubt that a low sanitary condition is connected with pauperism, and so close is the connection that the minister who has to watch the increase of pauperism must hear from day to day the causes which produce ill-health. There are other reasons of an executive character which render the connection desirable. Schools are a great agency of sanitary reform, and children in manufacturing districts, who at school are taught habits of health and cleanliness, are the best sanitary inspectors and missionaries of health. During the last few years there has been a marked improvement in the young people entering into the mills, and the girls, having once learnt cleanliness, continue the habits thus formed. If municipal authorities become builders, that would drive away capital, and the evils we desire to remove will be increased. With regard to State-help, the rate of interest might be lowered as the interest in the market diminished; but State interference would have an effect upon wages, of which there was quite enough under the old poor law. His experience upon the sanitary committee at Paddington showed that one great source of evil in London was the limited supply of sanitary officers. There were 150,000 inhabitants in Paddington, and there were only two sanitary inspectors. That shows that in London some reform is desirable and inevitable. It has been said that we interfere when the evil is done; it is a mistake to wait so long. Infection by milk has caused great trouble, but legislation has stepped in, and milk fevers will cease if the bye-laws are carefully framed and diligently carried out. The same observation will apply to bye-laws for building. In some towns there are already laws to the effect that houses must be inspected by the sanitary authority before they are inhabited, but these might not act well in every country hamlet, and it would require a large investigation before the law was made general. The London vestries are blamed for a great deal, but they are elected by the ratepayers under a wide franchise, and, therefore, it is the fault of the ratepayers if the government of London is defective, and it is to public opinion that we must appeal as the corrective of these things. What we want is an enlightened public opinion, and the best means of producing that is by fostering generous sympathy between class and class. Gentlemen who stay in their well-furnished houses and find fault with the vestries should join the vestries themselves, and take part in the work. The contrast between the government of London by vestries and that of other towns by corporations is striking. Corporations include the best men in the towns, and it is by the energies of these men that the health of our towns is improving.

Dr. ALICE VICKERY (London) said that the difficulty in providing proper house accommodation arose from the rapidity with which population increases. There is a great difference between the death-rate of Hampstead and Kensington, where it is very low, and that of St. Giles's, where it is exceedingly high; and the same difference is to be found in the house accommodation of these districts. In Kensington

there is no overcrowding, but in St. Giles's the people are massed together in a terrible way. We have to raise the condition of these people and put them where they can have proper house accommodation for themselves. Respectable people will have respectable houses, and the poor must get what accommodation they can. We must deal with this question of population now, before we get to the root of the difficulty of housing the poor.

The Rev. H. Solly (London) called the attention of Mr. Shaw-Lefevre to the point that officials had personally to pay the costs of unsuccessful sanitary proceedings before the magistrates. Nothing more absurd was ever perpetrated even by our own legislation. It was said in Mr. Hamer's valuable paper that rents were too high in London for the working-classes, that we required single rooms at 1*s.* 6*d.* or 2*s.* before we could hope to improve things. Fancy so able and experienced a man as Mr. Hamer proposing to extend the vicious system of one-room tenements. It is not necessary to dwell upon the evils of a system like that. Can we not get behind this mischief of misery, and revert to the rightful law that man should increase and multiply—not in vast overcrowded towns, but in gradual, natural, and healthful distribution over the half-cultivated lands of the country? There never was a time when the agricultural districts were so badly populated, and cultivated, in proportion to the population of the whole kingdom. There is a great drifting of country populations to the towns; and the bitter cry of outcast London receives its answer in the half-deserted country districts. If you take the people from the towns and throw them into the country with merely the resources of land cultivation they probably would not get on; but they might be engaged at supplementary work in local factories and home industries during part of the day or the year, and attend to a small plot of land during the other part. There are many industries which can be as well carried on in the country as in town, and incomparably better as far as the health of the people is concerned. There is no reason why these great populations should all be working in huge sinks of misery and vice or crime. There is hardly a social evil existing in the large towns which would not be diminished, if not abolished, by removing the people to the country. Speaking of the cost of re-building in towns under Sir R. Cross's Act, a gentleman wrote to him from Sheerness last summer, saying that land could be got in his neighbourhood, and houses and factories put upon it, for less than the land itself would cost in London or the suburbs. Since then he had received many similar communications. There was not the least necessity for the working-classes being crowded and crushed together so shamefully in large towns as they now were. There was plenty of room for them and their industries in the rural districts.

Mr. W. Storr (London) said the questions raised were what could be done by local authority, what by voluntary agency, and what by law. On the last point, Mr. Shaw-Lefevre had made a most important statement, viz., that one great cause of expense and delay in London, insisting that cleared sites must be occupied by working-class dwellings, was based on the fallacious assumption that the dwellers in slums

lived near their work, whereas the majority had to go as far as if they had lived in the country. So a mistaken philanthropy needlessly imposed a heavy tax on the metropolis by interfering with the law of supply and demand; and, if the public contributed to the cost of dwellings for some who lived near their work, this was substantially a premium to the local employers of labour and to the workmen relief in aid of wages. The main object of the paper was to describe and commend voluntary organisation to see that many of the duties of local authorities were performed. What would the Birmingham corporation think of a voluntary society supplementing its work in the manner and in the spirit indicated? Was it necessary or desirable to have an outside sanitary organisation, a duplicate of the corporation for sanitary purposes, going over the whole ground and treating the local authority as a set of inferior persons who are neglecting their duty? The paper was conceived in a spirit of lofty disdain for those who are appointed to carry out the sanitary work of the community. Was it desirable to have an outside committee of this sort of persons? Would it not be better if those members who, as Mr. Powell said, sit in their libraries talking disdainfully of vestries, had a long time ago taken part in the work of local administration themselves? If they had done their duty, it was certain that a much better state of things would have prevailed in London. It was inconsistent with the satisfactory working of municipal institutions that sanitary aid councils should permanently exist, and assume an attitude towards vestries and town councils which the writer assumed towards the vestries and district boards of London. If a society confined themselves to instructing the people and calling upon them to see that they were living under proper conditions, very well; but let the men who want to do more do it by means of the proper organisations provided by the law for the responsible discharge of the duties of citizenship, and not think they can atone for the neglect of those duties by merely criticising the faults of those who attempt to perform them. If the ablest men would undertake municipal work, it might be made to embrace the placing of the liquor trade on such a basis that public-houses would not encourage the tippling that had been said to prevail in the slums of London.

Miss Alicia Bewicke (London) said we had few inspectors, but we mean to have more. They may not be able to tell whether a house is sanitary or not, but it is a question of fact whether a drain has or has not been properly joined. If it is not a good thing for drains to be under a house, why should it not be made an offence to lay them there? It is sheer madness to employ large armies of officials to inspect houses unless there was some definition of what overcrowding is, some rule that a certain number of cubic feet of air is the least that can be allowed. We could then see that no one made a profit out of a house with less than the minimum air supply. Such a thing might be made a penal offence. In Kensington there were disagreeable smells from surrounding works, and if manufactures could be carried on in the country, people in the country would have work to do and would have no need to swell the population of the town.

Mr. Mark H. Judge (London), as a director of the Artisans',

Labourers', and General Dwellings Company, said that that company, the largest in the world, had carried on and was still carrying on its great work of providing cottage homes for the people of London, without State help, and in his opinion it was not desirable for the State or municipalities to become the landlords of any class of the community. In sanitary matters State interference with the individual had already gone too far, and at the same time the proper function of the State was not being exercised as it ought to be. Local authorities gave orders, but failed to see that they were carried out. It was true that Paddington had only two sanitary inspectors, but in addition to this they had a medical officer, a surveyor, and assistants acting under the vestry, and a district surveyor under the Building Act. The remedy for existing sanitary evils was not to be found in increased public officers, but in increased individual responsibility. It was an interference with the liberty of the subject for a parochial official to be able to dictate as to the particular pattern of water closet that could be permitted. The sanitary authorities should act in these matters exactly in the same way as district surveyors act in the matter of new buildings. He regretted the absence of Mr. Hamer, particularly as he had ventured to cast reflections on working-men's clubs without at the same time giving his authority for the statements made, and more especially at a congress where the members of these clubs would not be present to defend themselves. With regard to drinking on Sundays, until working-men's clubs were peculiar in this respect, the question had better be discussed on its merits and not as if affecting working-men only. As a member of the council of the Club and Institute Union, of which Sir Thomas Brassey was the president, he was prepared to say that these clubs were doing a good work, and in the interest of temperance ought to be encouraged.

Mr. W. Botly (London) said his aim had been to give every labourer on his property a good cottage, and sufficient ground to cultivate, and so to attach him to the soil instead of divorcing him from it and sending him into the towns. If that had been done fifty years ago, we should not have had the overcrowding in towns which there is now.

Mr. J. H. Levy (London) said millions had been taken out of the ratepayers' pockets to pay for sites which were sold for next to nothing afterwards. The idea at the bottom of all this meddling policy is a fallacy. If they allowed private enterprise to occupy part of the ground, and tried to supplement it by State interference, they prevented the investment of capital to at least the full extent of that interference. Two millions have been taken out of the ratepayers' pockets, to pay the rental of people who are not paupers. That is demoralising, and they had only to apply the principle a little further to bring utter ruin upon them. They had economic forces tied up by laws of the land, which would save them if set free. Their rural industries were tied up by want of security for capital in land. This constitutes a force sending people into the towns, and causing a congestion of urban population. At the bottom, the question is one of poverty. If the people have bad homes, it is because they cannot afford better. If their homes are dirty, it is because they are working too hard all day to be able to clean them.

Bad dwellings are the result of poverty, and if you find the cause of the poverty and raise the population, letting them try to provide their own dwellings, they will soon do it if they have the wages. We must take good care that we have nothing amongst us that increases our poverty. We must teach people that the providing for their children and keeping better homes is their duty, and that the State is not a kind of inexhaustible cow, which can be milked for all sorts of purposes.

Mr. H. H. Collins (Hon. Secretary of the Department) said he was one of those district surveyors who had to pay the costs of sanitary prosecutions which failed. It was quite true that a district surveyor had no power to stop a building, however dangerous to health or persons, until the danger was created. He states his case before the magistrates, and if experts are brought to give evidence on the other side, and he fails to substantiate it, he has often to pay the costs of the proceedings, when, perhaps, the whole remuneration for his professional services if successful is 7*s.* 6*d.* The office is not, however, so bad as is made out, the incomes varying from 500*l.* to 2,000*l.* a year. If persons go to an inspector who is ignorant, and get bad information, they have only themselves to blame, and more particularly in such a wealthy district as Kensington. There are many professional gentlemen who are able and willing to give good advice at not exorbitant prices. There is an institution in London which has long recognised the evil of incompetent inspectors—the Sanitary Institute of Great Britain,—and it will, for a reasonable fee, examine inspectors, and if they pass the examination, the institute will give them a certificate of competency. The only way of curing the evils is to educate the people. There is nothing in poverty to prevent people being clean. As soon as people learn the usefulness of sanitation, everybody will demand a healthy house, but until they are educated up to this point, everything else will have but little effect. If anything is calculated to lower the independence of the people, it is the barrack-like buildings in which many of them are now compelled to live—Peabody buildings and such-like. An old woman, about seventy years of age, who lived in the Peabody buildings in Golden Lane, told him that she had to go up and down seven flights of stairs whenever she wanted a halfpennyworth of milk. This was cruel, and instead of doing good to the poor people, it was bringing upon them inconvenience and illness. At present it is impossible for a builder to build remuneratively so as to let a room for less than 2*s.* or 2*s.* 6*d.* The Peabody rooms let at 1*s.* 10*d.* This competition is creating an impediment to speculative builders; not only are enormous difficulties placed in their way in purchasing the land, but the drawings have to be examined by various authorities, so that it is generally months before the building can be begun. The consequence is that the Peabody buildings are doing harm instead of good. There can be no reason for concentrating working-men in towns and cities. No reason exists why manufactories should not be located outside the city, leaving the present sites for shops and residences. He had recommended the change to several clients, and they had acted upon his advice with great benefit to themselves and their workpeople.

Mr. George Hurst (Bedford) said that if surveyors attempting to carry out the Act had to bear legal costs, that seemed contrary to jus-

tice. The surveyor is employed by a higher authority, and therefore that authority is responsible. In Bedford, the death-rate is 15 per 1,000. The Corporation take the matter thoroughly into their own hands; they have a qualified inspector of nuisances, under whom regular proceedings are taken against occupants neglecting to comply with orders. If houses are unfit for habitation they are condemned. There is a great deal in inducing people to be cleanly in their habits, and this does not apply to the very poor alone; people in very good circumstances sometimes keep their houses in a very filthy state, without any legal sanitary defects. A great deal must be done by education, but if the sanitary authorities would take care to carry out the law in its entirety, habits of cleanliness would be frequently induced. The poor people in London suffer, not so much from bad houses, as from extreme poverty.

Mrs. Heatherley (London) said that we must look to the people themselves for sanitary measures, and not to the Government, and we must look to education as the means. The State should not spend money in lodging people cheaply; the workhouse is the proper place for people who cannot pay for a remunerative lodging. Why should we pay rates and taxes for inspectors to look after things which people ought to do for themselves? As against flats, there is not much to be said in favour of small houses. They were tried at St. Dorée, Paris, but they are hovels, and not houses. It is not so much a question of a house or a flat, as of whether persons have cleanly habits.

Dr. C. R. Drysdale (London) said the discussion had shown that the State or municipality must not build for the poorer classes. The municipality would soon become bankrupt. The function of the municipality is to criticise what people do, to see that sanitary matters are carried out, to destroy what is bad, to see that people are not allowed to profit at the expense of the health of their fellow-creatures. The State could take care that land was not too much of a monopoly; not so expensive to buy. If we could make land as easily transferred as anything else, we should see the inhabitants of towns much better off in the way of houses. He had inspected the hovels of the poor in Birmingham, and it would require a microscope to see the difference between them and those of London,—if there is any difference, it is slightly in favour of the Londoners. London is divided into the rich and poor parts. In Hampstead, where almost everyone is born with a small silver spoon in his mouth, people are brought up well, and consequently live long. The death-rate is 12 per 1,000. In Whitechapel the death-rate is 25 per 1,000, and the reason is that people are very poor. The birth-rate in Hampstead is 22 per 1,000, while in Whitechapel it is 38 per 1,000—nearly twice as many. The average number of children that his patients in Whitechapel have is 7½. You may build houses for those people, but they will always make them pigstyes. If you house the people, you may as well clothe and feed them. The root of it all is the birth-rate. Make a low birth-rate; teach your poor neighbours to be prudent in that way, of the number of children they have, and we shall be a happy race, and get rid of 'slums' and other horrors.

Mr. W. Hussey (Edgbaston) said that if we had a department of preventive social science, we should get at the bottom of the question more rapidly. They had been discussing the various methods by which overcrowding could be dealt with, and almost the whole of the time had been devoted to seeing how we could remedy evils after they had developed. It was said that things were not in a very bad condition in Birmingham, and a preceding speaker left the impression that nothing was wanted: that, however, was not borne out by the evidence before the Birmingham Artisans' Dwellings Inquiry Committee. Several districts were spoken of as being in an unsatisfactory condition. A relieving officer stated to the committee that drunkenness was the chief cause of insanitary and wretched dwellings. Several school-board officers gave the same evidence. In a district containing four wards, and 16,000 houses under 10*l.* rental, in one year, seventy persons were charged with drunkenness, whilst in an insanitary district containing about 10,000 houses there were 179. In five streets in the sanitary district, fifty-six persons applied for relief, whilst in five streets in the insanitary district, with 6,000 less houses under 10*l.*, 359 persons applied. There were thirty-nine public-houses in the last five streets, and, with 359 persons applying for relief, the average expenditure on intoxicants was 15,210*l.* per annum. Thus, coincident with pauperism and insanitary dwellings there was a large expenditure in drink. In a portion of Tyrone, pauperism is decreased one-half by the prohibition of the liquor traffic. He referred also to Bessbrook and Saltaire, both of which he had visited, and in which there was a total absence of all the conditions they had been discussing. Why? Because they had got rid of the factor which manufactured the conditions, viz. the liquor shops. If they could only multiply Bessbrooks and Saltaires over the whole kingdom, the vocation of the Social Science Association would be almost gone. There would be few questions left for them to discuss. If the science of induction taught them anything, it was plain that no scheme to improve the dwellings of the poor would be efficient that did not include provision whereby the people would have power of removing the multiplied temptations to intemperance from their midst.

Mr. William Bingham (Birmingham) said that on the Shaftesbury estate, London, was first recognised the fact that working-people desired to live free from the temptation to drink. So great has been the success there, that the Company was now building the Queen's Park estate. This showed that places free from drink-temptation were wanted. He was pained to hear the suggestion that rooms should be let at 1*s.* 6*d.*, so that families might go into them. In one district he knew, there were three gin palaces which took a larger amount of ready-money than all the other tradesmen in the road. That money would enable people to live in good houses with domestic comforts.

The President of the Department (Dr. Norman Chevers) said that a summary of the debate was needless. None of them wished to see families inhabit single rooms, but in London there were thousands of families which did so, and paid from 2*s.* to 3*s.* for them. How much better it would be if they could have two rooms for the 3*s.*

SANITARY TEST-VALUE OF THE DEATH-RATE.

How far may the average Death-rate of a Population be considered an efficient Test of its Sanitary Condition. By NOEL A. HUMPHREYS.

NO one acquainted with the history of sanitary progress in England, and anxious further to promote the health of the people, can doubt the necessity for some numerical test of the sanitary condition of a population.

The rise and progress of our 'national system' of mortality statistics, its identification with the name of its author, the late Dr. William Farr, its influence on sanitary progress in England, and its almost universal adoption throughout the civilised world, are now matters of history, and need not be dwelt upon here.

The question which suggests the subject of this paper is whether the 'death-rate' of a population supplies an efficient 'numerical test' of its sanitary condition.

It may be accepted as a fact that the increasing use of the death-rate, and its general acceptance by the English public as a test of sanitary condition, has been coincident with the growth of that public interest in health matters which has been the mainspring of recent undoubted sanitary progress. It appears, therefore, that those who, from time to time, endeavour to depreciate the value of the death-rate as a numerical test of sanitary condition, are bound, in the face of its unquestionable utility during the past forty years, to be more explicit in their vague charges of mischief and misconception which they bring against the use, or, as they style it, 'the misuse,' of death-rates for this purpose. The good that has resulted from the use of death-rates is patent and unquestionable; the mischief that is laid to their charge is mysterious and inscrutable. Death-rates may be, and indeed are, frequently misused, and false and misleading deductions are often based upon them; but it would be difficult to prove that any real or lasting mischief has therefrom resulted which could for a moment be held to counterbalance the good that has arisen from their general use. Bearing in mind, therefore, the almost absolute necessity, in these days of public interest in health matters, for some numerical test of sanitary condition, it would be disastrous to give up the use of death-rates unless the charge of

mischief could be clearly substantiated, or unless a more trustworthy numerical test could be adopted in its place. It is, moreover, a fact that those who have at different times declared themselves to be opponents of 'the national system' of death-rates include a majority who, in the manner and arithmetic of their attacks, have shown but a limited acquaintance with the science of vital statistics.

It is now nearly ten years since the late Dr. Letheby, while president of the Metropolitan Health Officers' Association, made his notorious denunciation of the system of mortality statistics initiated by Dr. Farr, and adopted by the Registrar-General. He, with more or less justification, also claimed as opponents of that system Dr. Rumsey, Dr. Ransome, Dr. E. T. Wilson, Dr. Syson, Mr. W. Royston, and Mr. Andrew Watt. The real ground of attack with most of these writers was partial knowledge of certain disturbing influences, which prevented the death-rate from affording an absolutely accurate test of sanitary condition. Few of these writers made any attempt to calculate, or even to estimate, the real effect of these disturbing influences, and not a few of them, notably Dr. Letheby himself, based their attack mainly upon an entire misconception of the inter-relations of birth-rates and death-rates, a source of error which is even now not quite extinct. Dr. Letheby's attack, and especially his fallacious theory of high birth-rates being the cause of high death-rates, was fully dealt with in a paper read by me before the Statistical Society in December 1874, and nearly all the grounds of attack upon the use of death-rates as a numerical test of sanitary condition were then discussed. The subject of vital statistics has since then received, however, so large an accession of students from the constantly increasing number of medical officers of health, and of others more or less directly interested in sanitary organisation, that it may be useful to reconsider the true value of a death-rate for the purpose above-mentioned, and again to call attention to the limits of disturbance due to the influences which militate against the acceptance of the death-rate as an absolutely accurate test of sanitary condition.

It is necessary, in the first place, precisely to determine what is meant by the term 'sanitary condition,' which is at different times, for different purposes, and by different persons, used with widely-varying signification. In the second place, it will be necessary to discuss the relative value of death-rates for the various comparative purposes

for which they are more or less trustworthy; and also the true and extreme effect of the several disturbing influences, out of which so much capital has been made by the opponents of the national system of death-rates.

First, as to the meaning of the term 'sanitary condition.' The simple signification of that term is 'health condition,' and it is the health condition of a population in which the true interest of the public and the nation is centred, and of which the death-rate affords a trustworthy numerical test. We all know, or may know, what is meant by 'health condition,' but it would indeed be hard to define the attenuated signification which is attached by many medical officers of health, and by most sanitary authorities, to 'sanitary condition.' Indeed, the main objection urged against the use of death-rates as a test of sanitary condition is that they take no cognisance of varying density of population, of the quality of house accommodation, of occupation, of social condition, &c., in different populations. As if, forsooth, these were not the main causes of the varying health condition of populations, of which the death-rate has been so generally accepted as a trustworthy test. Sanitary authorities of towns in which the density of population is great, the streets and courts narrow, crowded, and ill-ventilated, in which large proportions of the population follow unhealthy occupations and belong to the poorest classes of society, are heavily handicapped in their health responsibilities, but the death-rates of such towns do not afford less accurate numerical tests of their health condition on that account. If corrections could be made for all these unhealthy conditions, the death-rates, for instance, of Liverpool and of Manchester could undoubtedly be reduced and brought nearer to the death-rates of Brighton and Bristol, but they would then cease even to approximately represent the relative health conditions of their respective populations. It is true that the death-rate of 1,000 labourers and their families, living for the most part in one-room tenements, poverty stricken and on the verge of pauperism, would invariably differ widely from that of 1,000 of the upper classes living under more favourable health conditions. This divergence of death-rate, however, is not the result of any natural or inevitable law, but is simply due to the difference in the health condition of the two populations, which is approximately expressed by the difference in their death-rates.

From a public point of view it is essential to insist upon 'health condition' as the broad and simple signification of 'sanitary condition.' There will then no longer be any

necessity to attempt to destroy the public confidence in the value of the death-rate as its numerical test. This public confidence is the result of Dr. Farr's forty years' service in the Registrar-General's Office, and from this confidence has mainly resulted the remarkable health-progress of this country in recent years.

Accepting, however, the term 'health condition' as the synonym of 'sanitary condition,' it may here be freely admitted that there are certain disturbing influences inherent in death-rates which are in no way dependent upon the health condition of the population. The most noteworthy of these disturbing influences are the varying sex and age proportions in different populations and communities.

As regards varying sex distribution, it may be stated that, according to Dr. Farr's English 'Life Table, No. 3,' the annual death-rate at all ages is 25·05 per 1,000 among males, and only 23·90 among females. Indeed, in recent years, this relative excess in the death-rate of males has further increased, and, according to the life-table which I recently based upon the mortality experience in England and Wales during the five years 1876–80, the male death-rate was 23·8, while the female rate did not exceed 22·1. Adopting, however, Dr. Farr's Life Table, based upon the experience of the seventeen years 1838–54, it is evident that if any communities consisted almost exclusively of males, or almost exclusively of females, it would be necessary to correct their death-rates for this difference of sex mortality before the rates could be fairly used as tests of sanitary condition. As a matter of fact, however, no such communities exist, and, in order to ascertain the practical limits of the disturbing influence of this sex mortality, it is necessary to inquire what are the extreme variations of sex proportions in English communities. After an extended inquiry for the purpose of my paper above referred to, I found that the most divergent sex proportions in English communities occurred in Barrow-in-Furness and in Bath. In the former town each 1,000 of the population included 577 males and 423 females; each 1,000 in Bath, on the other hand, included only 403 males and 597 females. This extreme difference in the proportions of the sexes, apart from other influences, would only cause an excess of 0·2 per 1,000 in the death-rate of Barrow-in-Furness compared with that of Bath. If this may be regarded as the extreme limit of disturbance of death-rates from this cause, it is evident that the value of death-rates as a test of health condition cannot be seriously affected thereby. At the same time,

however, it is easy, by a simple arithmetical process, to correct death-rates for varying sex proportions in different populations, and such corrections would, at any rate, remove one of the objections urged against the use of death-rates as tests of sanitary condition.

It is now desirable to consider the effect of the age distribution of the population upon its death-rate, and, at the outset, we may pronounce this to be by far the most important of those disturbing influences which militate against the scientific accuracy of a death-rate as a test of sanitary condition. According to Dr. Farr's 'English Life Table, No. 3,' the death-rate in England in the first year of life is equal to 165·6 per 1,000 living at that age; the death-rate then steadily declines, year by year, to 4·90 per 1,000 among persons aged 13 and under 14 years of age. After this age the death-rate steadily increases year by year until the end of life, and the rate among persons aged upwards of 80 years exceeds the high rate prevailing among infants under one year of age. These figures show how great may be the effect of the ages of a population upon its death-rate. In order, however, to consider the probable limits of variation in the age distribution of actual populations, it is necessary to deal with this distribution in a few well-marked groups of ages, and for this purpose I have adopted five. The Life Table rate of mortality under 5 years is 65·7 per 1,000; from 5 to 20 years, 7·1; from 20 to 40 years, 10·3; from 40 to 60 years, 18·3; and, among persons aged upwards of 60 years, it is 71·7 per 1,000. The wide variations between the death-rates at these five groups of ages show that the death-rate at all ages of any population must, to some extent, depend upon the proportions living at each of the five groups.

The variations in the age-proportions of different populations are due to several causes. Almost all urban populations increase by aggregation or immigration, as well as by the excess of births over deaths. The result of this is that such populations almost invariably contain an undue proportion of young adults, and as this causes a high birth-rate the proportion of children is also large. As an inevitable result, the proportion of elderly persons in such populations is exceptionally small. The large proportion of young adults is favourable to the death-rate of urban populations, and although the high birth-rate induces a large proportion of children, this, in its unfavourable effect upon the death-rate, is more than counterbalanced by the small proportion of persons aged upwards of 60 years, who are liable to a still higher

death-rate than that which prevails among children under 5 years.

In most rural populations opposite causes produce very different age distribution. The proportion of young adults in rural populations is largely reduced by the constant aggregation of young adults, male and female, to urban centres; this naturally reduces the birth-rate and also the proportion of children aged under five years. It follows, therefore, that a rural population almost invariably contains an abnormally high proportion of elderly persons, that is, of persons aged upwards of 60 years. Thus the proportion of adults, living at ages when the rate of mortality is low, is small, and, although the proportion of children is also below the average, this, in its favourable effect on the death-rate at all ages, is far more than counterbalanced by the large proportion of persons aged upwards of 60 years, among whom the death-rate is still higher than that which prevails among children under five years.

Without further discussing the varying proportions of persons living at these different age periods in urban and rural populations, we may proceed to note the effect of these variations upon the death-rate at all ages. In my paper upon this subject, before referred to, I showed that by applying the Life Table rate of mortality to 1,000 of the population of England and Wales, according to its distribution at the five age periods, as enumerated at the census in 1871, the *normal* rate for all ages was 22·7. Following the same method, the normal rate for the county of Lancashire, which contains the largest proportion of urban population, did not exceed 21·7 per 1,000, whereas in the three essentially rural counties of Dorset, Devon, and Hereford, the normal rate was equal to 23·7, 23·8, and 24·0 per 1,000 respectively. It is evident, therefore, that, sanitary condition being equal, the death-rate of rural populations would be considerably higher than that of urban populations on account of different age distribution; it is, however, well known that the recorded death-rates in urban populations almost invariably show a marked excess upon those recorded in rural populations. It must be remembered, therefore, that recorded death-rates, unless corrected for variations of age distribution, considerably understate the excess of mortality due to the deficient health condition of urban compared with that of rural populations.

It is scarcely necessary to say that urban populations show considerable differences from each other in age distribu-

tion, as also do rural populations, but the widest and the most constant differences occur between the age distribution of urban and of rural populations. Calculating the normal death-rate for more than thirty urban and rural populations gave the following result as the probable limit of disturbance of death-rates by variations of age distribution. The lowest normal death-rates among the urban populations were 20·6 in the city of London (where the proportion of children is most exceptionally small), and 21·0 in Barrow-in-Furness, where the large proportion of children is more than counterbalanced by the large proportion of young adults, and by the remarkably small proportion of elderly persons. The highest normal rates, on the other hand, were 23·8 and 24·0 in the rural counties of Devon and Hereford. Thus, while uncorrected for variations of age distribution, all urban death-rates are understated, the extreme error of recorded death-rates from this cause is 3·4 per 1,000. It is well that this source of error should be thoroughly recognised, because it naturally implies that in order to render death-rates trustworthy for comparison, they should be corrected for variations of age distribution. The necessity for this correction should commend itself to all medical officers of health, and the correction may easily be made to combine a correction for variations of sex proportion. On the method of this correction it is unnecessary to dwell here, as it is described in the Registrar-General's last Annual Summary, which gives factors for the correction of the recorded death-rates in the twenty-eight large English towns dealt with in the weekly return, for variations both of sex and age proportions.

Without asserting that variations of the sex and age proportions of a population constitute the only disturbing influences of death-rates, it appears that they are the only ones for which it is both desirable and possible to apply corrections in order to increase the value of death-rates as tests of health condition. We may, however, presently have occasion to refer to one or two other disturbing influences.

It will now be necessary to consider briefly the relative value of death-rates for the various forms of comparison for which they are used.

The death-rates of any nation, town, or community during a series of years are trustworthy for comparison without any correction, because the sex and age distribution of a population changes too slowly to affect the yearly death-rate, except in rare cases where a town makes exceptionally rapid growth.

The comparison of international death-rates, however, without correction for varying sex and age distribution, would yield untrustworthy results. In the Registrar-General's last Annual Report, it appears that the average recorded death-rates in thirteen of the largest European States ranged from 16·9 and 19·2 in Norway and Sweden, to 30·0 in Italy, 31·1 in Austria, and 38·7 in Hungary. The same tables, however, show that the birth-rates also ranged from 25·9 in France, 30·6 in Switzerland, 30·8 in Norway, and 30·9 in Sweden, to 39·6 in the German Empire, 39·7 in Austria, and 42·8 in Hungary. This wide range in the birth-rates implies such great variations in the age distributions of the populations as to render correction for this disturbing influence necessary before the recorded death-rates can be compared with any useful result. I had intended to enlarge upon this branch of the subject, but exigencies of space oblige me to postpone it for a future occasion.

Death-rates are most widely and generally used by the public for the purpose of estimating the relative health condition of different local communities. The public was long ago taught by Dr. Farr that a death-rate of 17 per 1,000 implied fairly healthy conditions, and that in proportion as death-rates rose above this, they represented excessive and unnecessary mortality. It is undoubtedly useful to fix a high standard for measuring the excess of mortality due to neglect of the laws of health, and, for this purpose, Dr. Farr's Healthy District Life Table supplies the required standard. The range of death-rates in various English communities is still so wide that the public cannot go far wrong in continuing to use this standard for measuring the excess of mortality due to preventable causes. Recorded death-rates may, therefore, be used as a trustworthy test of health condition by comparing them with this healthy district standard, quite apart from the use of the death-rates of different communities for comparative purposes.

We have seen that in judging of the unhealthiness of towns by the difference between the recorded death-rates in town and country, the real excess of urban mortality is under-stated, unless correction be made for varying age proportions. Urban, compared with rural, populations are more unhealthy than they have hitherto been taken to be. This may further be exemplified from the death-rates in the ten years 1871–80 in a few of the more distinctly rural and urban counties of England. The recorded death-rates in this decade in Huntingdonshire, Suffolk, and Norfolk, were

18·47, 18·79, and 19·80; these, however, have to be reduced by from 10 to 11 per cent. for sex and age variations, in order to compare fairly with the rate in the whole of England and Wales. The corrected rates become 16·56 for Huntingdonshire, 16·91 for Suffolk, and 17·64 for Norfolk. So, on the other hand, with the urban counties, the recorded rates in the West Riding of Yorkshire have to be raised nearly five per cent., from 23·24 to 24·39; and the Lancashire rate more than 7 per cent., from 25·17 to 27·06, before useful comparison can be made with the same standard. It is well that this defect in the death-rate as a true test of health condition should be understood, but so long as the range between recorded urban and rural rates is so wide as it is, I doubt whether the opponents of death-rates can prove that any mischief can have been caused by such defect.

Here perhaps is the place to refer to another disturbing influence, which undoubtedly also tends to understate the excess of mortality in towns, estimated from the recorded death-rates in urban and rural populations. This influence is due to migration. Urban populations are constantly being recruited by aggregation from rural districts, this aggregation consisting, for the main part, of young adults. The influence of this aggregation upon the age and sex constitution of urban populations has already been discussed, and it has been shown that death-rates may easily be corrected for this disturbing influence. Beyond the mere effect of changing the age proportion of the population, however, it must be remembered that these aggregated lives are selected lives, which not only raise the health standard of urban populations, but to a corresponding extent lower the health standard of rural populations, which, while losing a large proportion of their healthiest young adults, retain all that are weakly or invalid. This migration, however, exercises in another direction a still stronger influence favourable to town death-rates, and unfavourable to rural death-rates. A large proportion of the migrants to towns, especially of shop assistants and of domestic servants, do not altogether sever their connection with their country homes, to which they return in case of broken health, and are replaced by other selected recruits. It is an unquestionable fact that many of the deaths recorded in rural districts are due to illness contracted during urban residence, and in consequence of urban occupation. It has been asserted that the death-rate from phthisis is higher around than in towns, which appears to

corroborate the suggestion that towns send their phthisical patients to die outside. This is a subject that calls for careful investigation; but in the meantime the facts have not been ascertained with sufficient accuracy to estimate the extent of this disturbing influence: it is, moreover, to some extent counterbalanced by the deaths in urban hospitals of patients admitted from the surrounding districts. While admitting an unknown extent of influence from migration upon urban and rural death-rates, it may be confidently asserted that if this effect, whatever it may be, could be eliminated, the result would be to prove the true excess of mortality due to the health condition of urban populations still greater than it has yet been shown to be.

It is against the use of death-rates as tests of the sanitary condition of different towns that the strongest objections have been made. Many of these objections are answered by the assertion that the death-rate is only a test of 'health condition' in its broadest sense, and that it would cease to be such a test if it were possible to correct for the varying conditions of urban residence embraced by that term. There is one objection that has been made, very unfairly, as it appears to me, against the value of death-rates, to which some reference should be made. It has been urged that the death-rates of towns are mischievously misleading on account of the arbitrary nature of the boundaries of the various towns. For instance, the mean density of population in the city of Liverpool is 109 persons per acre, while in the borough of Huddersfield it is only 8. It is unquestionable that the whole of Liverpool is distinctly urban, whereas the borough of Huddersfield must include much that is almost rural; and, moreover, this is a fact that would deserve full consideration if it were desired to compare their death-rates. The death-rates of these two municipalities may, however, be accepted as trustworthy tests of the health condition of the two populations, whatever may be the causes of this different health condition. Doubtless the greater healthiness of Huddersfield is, among other causes, partly due to the much smaller density of population, as compared with Liverpool. These facts, however, do not appear to me to constitute a legitimate ground of attack upon the value of death-rates as a test of sanitary condition. The death-rate is but a test of abstract health condition, and it is part of the duty of medical officers of health to point out to sanitary authorities and to the public the causes of varying health condition.

While it has been urged that the death-rates of towns should be corrected for the different sex and age proportions of their populations, it will be worth while to refer to the result of the corrections made by the Registrar-General for this purpose in the death-rates recorded in 1883, in the twenty-eight large English towns dealt with in the Weekly Return. The sex and age proportions of England and Wales were taken as a standard, and for any variations in the proportions in the different towns corrections were made. In Norwich and Plymouth alone the recorded death-rate had to be reduced, because the sex and age proportion was unfavourable to the death-rate; whereas in each of the twenty-six other towns the recorded rates had to be raised, because the sex and age proportions of the population were more favourable than the mean proportions in England and Wales. The recorded death-rate was, by this correction, raised 3 per cent. in Portsmouth, Brighton, Wolverhampton, and Hull, while the largest percentage of increase in the other towns was 11 per cent., both in Oldham and in Manchester. It is worthy of note that, in spite of these corrections, the relations in which the rates of the several towns stand to each other are but slightly changed. Whether the towns be arranged in the order of their recorded or of their corrected rates, the same seven towns appear at the top and the same seven towns at the bottom of each list. Without, therefore, wishing in the slightest degree to depreciate the value of this correction, which undoubtedly adds to the scientific value of the rates for comparative purposes, it is evident that, for general purposes, the recorded rates afford fairly approximate tests of sanitary condition, and certainly cannot fairly be said to be misleading. With reference to the amount of disturbance from this cause, it may be useful to point out that in some foreign towns a large correction would be necessary before useful comparison could be made with English towns. In Paris and New York, for instance, the age constitution of the population is so favourable to the death-rate that it would be necessary to raise the recorded rate in each of those cities by 9 per cent. before it could be fairly compared with the recorded rate in London.

In conclusion, I feel entitled to urge confidently that far more good than mischief will result from the continued use by the public of the death-rate as an approximate numerical test of health condition. Let me, moreover, take this opportunity to enter once more an emphatic protest against

the unfounded and most mischievous theory, which has frequently been propounded by the opponents of death-rates, that the death-rate is no measure of the amount of sickness of a population. The late Dr. Rumsey rashly asserted that 'a diminution in the rate of mortality will be found to co-exist generally with an augmentation of the rate of sickness.' Dr. Letheby went further, and asserted that 'an increase in the rate of mortality is often a sign of prosperity; for a high death-rate means a high birth-rate, and a high birth-rate is the invariable concomitant of prosperity.' Such reckless statements of the opponents of death-rates do not need discussion. Many, however, have expressed a fear that sanitary effort would be conferring a doubtful advantage on society by prolonging the existence of the weak and sickly, losing sight of the fact that sanitary progress is as powerful to prevent lives from becoming weak and sickly as it is to prolong the lives of those who have already become so. There is no good ground for asserting that sickness does not bear a constant relation to the death-rate, and any assertion to the contrary, unsupported by corroborative evidence, appears to be gratuitously mischievous.

While, however, there is no sufficient reason for discouraging the use of death-rates as a test of health condition, it can only be useful to urge upon medical officers of health that in the statistical portion of their sanitary reports, the disturbing influences of death-rates should not be lost sight of. All medical officers of health should especially bear in mind the sex and age distribution of the population of their districts, and, above all, every health report should give the rates of mortality to a thousand persons living at not less than five groups of ages. Rates of mortality at groups of ages are of more scientific value than death-rates at all ages, although they do not afford to the public that numerical test of health condition which the gross death-rate at all ages supplies, and which is so necessary and so useful as a stimulant of the general interest in health progress.

Infantile Mortality.

By Henry Ashby, M.D.

THE various causes concerned in the production of the high death-rate among the children of our urban populations have been the subject of innumerable papers and reports, and have in one form or another been frequently discussed at the annual meetings of the Social Science Association. So much has indeed from time to time been written on the subject, and so familiar to all of us are the principal facts of the case, that it will be difficult for me to invest the subject with much freshness, or to bring any novel or original suggestions before you. That there is an immense sacrifice of infantile life going on around us, more especially in our large centres of population, due to causes that are unquestionably preventable, is attested by almost every report issued by the various health authorities, as well as by everyone whose work lies much among the poor. This mortality, it is to be feared, does not show any great tendency to decrease; indeed, it has practically been untouched when considered as a whole, though it must be acknowledged that the returns of the Registrar-General show some slight amelioration when the returns of the last few years are compared with those prior to ten years ago.

It is not my intention, nor is it indeed necessary, to enter fully into the statistics of infant mortality; these statistics are familiar enough to my audience, and need no lengthy or detailed description here. Let me however pause before considering the principal subject-matter of the Paper—namely, the means to be taken to reduce this high mortality—to give some illustrations of the conditions of life and high death-rates which obtain among the working classes of one of our largest manufacturing cities.

If we take some of the poorer districts of Manchester, as Hulme, Ancoats and Beswick, we shall have a population of about 128,000, consisting almost entirely of working men and small shopkeepers with a residuum of the lowest class of all, who gain their living by hawking, or grinding organs in the streets. All the well-to-do classes, with the exception of a few professional men, as clergymen and medical men, have long since migrated into the clearer and cleaner atmosphere of the suburbs. The working classes in these districts are variously employed in the mills, workshops and ware-

houses of the city, and earn as a rule fair wages, and are therefore in comparatively easy circumstances, especially when it is remembered that there is little difficulty in finding remunerative employment for women, and children over twelve years of age. There are in addition to those earning good wages, a number of families of orphans, or where the bread-winner is out of or incapacitated for work, and who live a sort of hand-to-mouth existence, and are often reduced to receiving parish relief. The districts in question are densely populated, averaging 90 to 150 persons per acre. In taking these districts as samples, and examining the death-rates, we may feel satisfied that we are dealing with a representative working-class population, with but a very small admixture of the middle or well-to-do class.

An analysis of deaths in these districts, taking an average for the last five years, and comparing the deaths of children under one year and under five years *with the total deaths*, gives the following results:—

Population.		Deaths under one Year.	Under five Years.
Hulme	(72,000)	31·2 per cent.	49 per cent.
Ancoats	(48,000)	31·5 ,,	51·8 ,,
Beswick	(8,000)	33·3 ,,	55·5 ,,

If we take one sub-district in Ancoats with a population of about 3,000, we find that the percentage of deaths under one year amounted to nearly 40 per cent., and under five years to over 60 per cent., of the total deaths. These figures, representing as they do a population of about 128,000, show that during the last five years the mortality among children has been enormous, some 30 to 40 per cent. of the total deaths being infants under one year, and from 50 to 60 per cent. being children under five years of age.

Still further to illustrate the mortality among children in this district, I made inquiries into the histories of 500 families, taken at random from patients admitted into the Hospital for Sick Children, Manchester. I found that in these 500 families, there had been 2,971 children born alive, an average of nearly six in each, and that up to the date of the inquiry, 1,710 children were living, and 1,261 were dead. From these numbers it would appear that each family had lost from one-third to one-half of its members. All these families belonged to the working classes in this district, and included families of eight children with no loss by death, and also families in which in one case there were three living and sixteen dead, and another in which there were three living

and twenty had been lost by death. If these figures represent, as I believe they do, approximately the loss of life occurring around us in the working population of our large cities, it must be tolerably clear that if a married couple settle in any of the districts of Manchester, living the life, following the employments, and being no better and no worse than their neighbours, we may predict that in all probability one-third to one-half of the children born to them will never reach the later stages of girlhood or boyhood.

It may be of interest to go a step further, and inquire what diseases are the most fatal, or are the immediate agent in the production of this large bill of mortality. For this purpose I shall take the figures from the reports of our Hospital and Dispensary for Sick Children; though they necessarily cover a less extensive area than if they were taken from the returns of the health officers of the district or those of the Registrar-General, yet they include a sufficient number to afford a safe guide for my purpose, and as they have been very carefully kept, I have every reason to believe that they are fairly accurate and representative. During the 10 years from 1874 to 1883 there were treated at the dispensary 62,500 children, with 2,911 deaths. Analysing these numbers of deaths, we find that bronchitis and pneumonia head the list with 519; diarrhœa, 355; whooping-cough, 301; simple malnutrition, 222; measles, 207; scarlet fever, 170; hereditary syphilis, 146.

These figures indicate plainly the dangers which, as far as diseases are concerned, immediately threaten infant life. Diseases of the respiratory organs tell of exposure to cold and wet, and probably also of damp and drafty houses; the disorders of the digestive organs and malnutrition, of bad feeding and insanitary conditions; and the zymotic diseases, of which whooping-cough is the most fatal and most widespread, of overcrowding and reckless exposure to infection. But we must constantly bear in mind, in considering these figures, that the disease which appears last, and which is responsible for the final result, is often only the 'last straw which breaks the camel's back.' Attacks of bronchitis, of whooping-cough, of measles, which may be slight or not seriously threaten life when they attack healthy infants, and when care is taken in the nursing, become exceedingly fatal when they attack children already suffering from the results of improper feeding and neglect. No disease is more striking in this respect than measles, a disease which, in older children, as also in

young infants, is a notoriously mild and fugitive disorder; yet no disorder more certainly sweeps off its victims when it attacks those already enfeebled by the effects of previous ill-health or bad feeding.

These figures, then, give us the frequency with which each individual disease is responsible for the fatal results, but they give us a very incomplete insight into the real causes at work in producing the high mortality, and we must look behind them for further information.

Thus far, then, I have been simply stating the problem by giving instances of the high mortality and its immediate causes. I must now endeavour to point out the remote and efficient causes, and consider the most practical way of providing a remedy.

Nothing is more certain, in attempting a solution of the problem, than that we are face to face with an exceedingly complex problem, and that this high mortality is due not to one, but many causes.

Among the first of these causes at work I may mention the influence of the health and life conditions of the parents upon the health of the children. I feel certain that many, very many, of the children of the poorer classes of our large towns are weighted in the race of life from the first hour of their existence by enfeebled constitutions, the result of the ill-health of parents, or the carelessness or drunkenness of the mother during the months prior to their birth. It is surely a physiological impossibility that a woman who has been underfed, and perhaps working for her livelihood in a weaving shed or at other manual labour during the time she is bearing her offspring, can become the mother of strong and vigorous children. Apart from disease which is the outcome of vice on the part of the parents, the unhealthy and unwholesome lives which so many of our working classes have led, perhaps for several generations, has had a marked effect in producing children prone to rickets, scrofula, and tuberculosis, in their many forms.

The influence of the employment of the parents, especially when both have been employed in mills and warehouses, and spend much of their spare time in the public-houses, cannot but have a baneful influence on the constitution of their offspring. One has only to see something of the infants in foundling institutions, or the orphans or deserted children in our workhouses, hospitals, and industrial schools, to see with what miserable constitutions these unfortunates have to face the great struggle of life. The remedy for this state of things

can only be looked for from the many philanthropic efforts now being made for the amelioration and improvement of the conditions under which the poor live.

The effect upon the health of children produced by the insanitary conditions of the dwellings of the poor need not long detain us, as it is closely connected with one of the special subjects for discussion in this section. I need hardly say that healthy children cannot be reared in damp back-to-back houses, their only playground being narrow blind alleys where the sun never shines or the wind never sweeps. Many of the older houses of this district, in addition to damp walls and decaying timbers, rise directly from the ground, without any cellars or ventilating space beneath the floor, and allow the emanations of the soil freely to pervade them. (See Report of Health Officer for Manchester.) Need it be said that in these damp and overcrowded dwellings bronchitis and diarrhœa abound and prove fatal. What can be done to remedy this state of things and provide healthy dwellings at a reasonable cost? I need not stop to inquire. Many of the houses, however, now used for human habitations, ought to be closed forthwith as perfectly unfit for that purpose, and certain to produce disease.

We may also refer, in connection with the unhealthiness of houses, to the influence which the excessive amount of smoke in the atmosphere has directly or indirectly upon the health of children. Given a still atmosphere with a winter or even a summer fog, and the state of the atmosphere in large manufacturing towns is simply unbearable. I believe these sulphury fogs are directly responsible for the death from disease of the respiratory organs of many small children. The irritating effect of the fog is felt in every dwelling-house, and tells with redoubled force in the dwellings of the poor. The smoke-laden condition of the atmosphere renders the efficient ventilation of the houses at times impossible; it is disheartening in the extreme to the householder to find that curtains, linen, books are constantly dirty, in spite of every care, and the more ventilation is practised the worse the dirt becomes. The consequence is that bedrooms laden with foul emanations remain from day to day without being flushed with fresh air, as open windows mean flooding the rooms with smuts and dirt. Thus, under these circumstances, we shall hardly be surprised to learn, that in the manufacturing districts of Lancashire the deaths from respiratory disease exceed those of any other part of the United Kingdom.

So far I have only been considering causes of infant

mortality which are the result of circumstances over which the poor have little or no control. They are, as a rule, compelled to live near their work, and are prevented from seeking the purer air of the suburbs for their residences; and they cannot always select a healthy site or a dry house. But there can be indeed little doubt that in the matter of a high infant mortality they are not by any means the creatures of circumstances, but have mostly themselves or their parents to thank for much of the misery and disease so often their lot.

Prominently among the causes of infant disease and mortality must be placed the erroneous notions which are so extensively held among the poor on the feeding of infants. It cannot be necessary for me to say much on this subject, as for a long time past it has been recognised that the feeding of infants with food that they were unable to digest was responsible for much infantile disease and death. I believe here, however, that the many good influences at work among the poor have been the means, to some extent, of bringing about a better state of things. Still, however, in the manufacturing districts, the majority of infants are fed in part on more or less thick, starchy food, when only a few months old. In the case of widows, or where the husband is away, the mother goes to work during the day, taking the infant and giving it the breast at night, while, during the day, it is placed under the care of the woman with whom the mother lodges, or a neighbour, who invariably feeds it on 'pobs,' *i.e.* bread sopped in warm water, and milk added, and the infant is fed with this thick mass by means of a spoon. This bread and milk is frequently given to children a few days old. In other cases infants are put out to nurse, the mother, perhaps, being in service, or for some reason or other unable to take care of the child, and for a sum varying from 3*s.* 6*d.* to 5*s.* a week places the infant with some woman who gets her living by thus taking babies to nurse. The infant thus loses not only a mother's care, but its natural nourishment is replaced by thick semi-solid starchy foods. Cows' milk, when good, is comparatively expensive, costing in towns perhaps 4*d.* to 5*d.* a quart, while a meal of thick sopped bread, with the addition of a little milk, is comparatively cheap, and satisfies the infant for a longer time. It is a matter of much moment to the caretaker that the infant should be expeditiously fed, and that the child should not too quickly cry for more food, and experience has taught them that after the infant's stomach becomes more or less tolerant of thick foods, it will go longer without a meal

than when fed exclusively on milk, and the thick foods have the further merit of being cheap. If the child is fretful and whining after its thick meal, why then there is Godfrey's or some other cordial that will meet the case. Thus, often with the best intentions on the part of the caretaker, the child is fed, and to her surprise it does not thrive, but more or less quickly wastes, till it dwindles into the miserable little skeleton so familiar to the attender of a children's dispensary. Possibly these symptoms go on for weeks, or even months, till the fear of the neighbours, or a difficulty about the death certificate, drives them to seek some sort of medical advice. Such is the history of many hundreds of infants' lives in the course of every year, of such of the tiny mortals which swell the death-rates of our towns and cities. What has been said applies also to children who, though not deprived of their mother, yet suffer from a mother's ignorance or neglect. For some of the reasons already referred to, she feeds them with improper food, and similarly they waste, and are carried off perhaps by attacks of summer diarrhœa, bronchitis, whooping-cough, or measles. Or if they live for a time they become rickety, or, perhaps, eventually tubercular. It is curious to note how ingrained is the idea among the poor that infants require solid or semi-solid food; the weaker and thinner they become, the more necessary do they appear to think it is to supply thick starchy foods and port wine.

This subject of improper feeding is touched very closely by another, namely, that of the employment of women in workshops and factories. There is in the manufacturing districts a large demand for female labour; in the spinning mills, weaving sheds, at fustian cutting, and in other diverse ways, employment is readily found for women and girls. A certain proportion of mothers who are widows, or have a sick husband on their hands, are obliged to save themselves from the workhouse by going to work; among the children of such the mortality is very high, as they can spend but little time in looking after their offspring, and they have but little money to spare in providing a suitable nurse. There is little doubt, too, that there are many women in these districts, who have no real need to work, whose husbands are earning good wages, who yet, for the sake of the extra money they can earn, leave their household concerns and families to the care of others, and, as a consequence, the children are improperly fed, and their cries of distress relieved by cordials.

My own experience would lead me to join with those who

condemn the extensive practice of insuring children's lives or of placing them in burial clubs, as giving careless and vicious parents a direct interest in the death of their offspring. Some four out of every five who apply at our dispensary for death certificates have their children in burial clubs; some being insured in two or more societies. In some clubs, infants of a day old are taken as members, and on payment of an entrance fee of a few pence, and a weekly payment of 1*d.* a week, their parents become entitled to 3*l.* on death; or by payment of 2*d.* a week, 6*l.* The sums to which the members are entitled on death differ, varying from 3*l.* to 5*l.* for children under a year. Some clubs have their headquarters at a public-house, and a certain portion of the insurance money is paid in drink. Thus, in cases which have come under my notice, 25*s.* has been paid in money and 5*s.* in whisky or gin. It is possible for an infant to be insured in several clubs, so that a considerable sum, far exceeding the expense of a decent funeral, may be received by the parents on the death of a child. In some districts in Durham, it appears from the health report of Dr. Parsons, of Spennymore, that the lives of children may be insured before they are born, and that in one case which came to his knowledge, a child of three weeks old was insured in three separate clubs; in another instance, 2*l.* was received on the death of a child who lived only an hour; in another instance, 1*l.* was received for a child who only lived twenty minutes. Another medical officer of health, Dr. Lowe, of Workington, says: 'It is not unusual for a child to be in two or three burial clubs, and when the child's parents are degraded through drunkenness, crime, and poverty, the inducement to get money by allowing the child to die, which these clubs afford, but too often determines the child's existence. I believe burial clubs to be the most cruel and fatal institutions in this country, as they strike at the foundation of national prosperity, through the demoralising influences which they not only develop, but sustain.'

I feel morally certain that many of the miserable infants which are constantly brought to our dispensary are brought to us simply because their caretakers believe they will die, and they are anxious to get the certificate in order to obtain the club-money. One constantly hears the remark, accompanied with a sigh, when a parent is asked how much they are to receive from the club, 'Oh, I shall only get 30*s.*, but if the little fellow had only lived another month he would have been entitled to 2*l.*' I believe the influence of these

clubs is unquestionably bad, directly tending to the neglect of infants by giving the parents a direct pecuniary interest in their death, if not to still more culpable proceedings.

Thus far, in a sketchy and disjointed manner, I have only considered the statistics and causes of the high death-rate of children, and said but little of the true subject-matter of my paper, viz., the methods to be employed to reduce it. My only excuse for this must be that it would be difficult or impossible to enter into the question of the reduction of the death-rate without some succinct statement of the causes.

In the first place, can anything be done by imperial or local legislation that will palpably improve matters, and, if so, in what way? Much remains to be done by our local legislators in our large cities in mitigation of the smoke nuisance, to which I have already referred.

It is of great importance, also, that the power already possessed by our Corporations of closing unhealthy dwellings, or serving notices on owners of dwellings to put their property in order, should be freely made use of. Houses with grave sanitary defects should not be allowed for a day to be the homes of children.

The milk-supply of our population should receive the constant and unremitting attention of the authorities, and suitable accommodation should exist for the reception and isolation of such diseases as scarlet fever, measles, and whooping-cough.

I would also repeat that I believe the interference of the State is required in the matter of the insurances effected in children's lives.

But a high death-rate among infants, and indeed a general high death-rate, does not necessarily bear a close relation to the general sanitary condition of a town, inasmuch as it depends quite as much, if not more so, on the habits of the people themselves; for a high rate amongst infants and children does certainly point to carelessness, poverty, and degradation of the inhabitants. It might be said with truth of any town or city, 'Tell me what are the employments, habits, and social status of its inhabitants, and I will tell you what the infant mortality is like.'

Having, then, pointed out what might and indeed ought to be done by the interference of the law, I am bound to say that I believe much more is required than this to reduce the infantile mortality. The application of the strict letter of the law may abate the smoke nuisance, and Acts of Parliament may be framed to prevent the employment of women

in factories, but this will not keep them from the public-house, or wean them from their vicious habits, or teach them how to bring up their children. The remedy must come far more through means which are social and moral than through those which are purely legal or sanitary. Improvement can only be looked for by a gradual elevation in the whole social tone and habits of the lower orders.

Much may be looked for in the future by the education which is going on in the present. The work of the School Board will tell in many ways, but in no way more certainly than in leading the men and women of the next generation to greater self-respect and self-control, and to emancipate themselves from the degrading vices so common to-day.

As Mr. Leigh says, in his 1881 report for Manchester:—'Children taught to read, to reason, and to think, with tastes elevated by the culture they have received, will neither be contented with such homes as they have been reared in, nor find their amusement in the empty brawl and brutalising excitement in which their parents have revelled. I look to the School Boards as the great sanitarians of the future. The light let into the mind will let light into the house, and the dens now occupied as dwellings will be swept away or remain as memorials of an almost incredible past.'

But a still more potent factor than the School Board in lessening the heavy rates among infants is the work being carried on by the influence of woman over woman in earnest and organised endeavours to improve the social and moral status of the lower classes. Many well-known ladies and various ladies' associations have long been working in this fruitful field. Missionaries in the broad sense of the word, their work has taken them to the dwellers in the by-streets and slums of our great cities, raising the dull level of their lives, and preaching the gospel of cleanliness and sobriety in dark and dreary homes. They exercise a kindly influence, and extend a friendly hand to help them to improve their surroundings, and the material comfort of their homes. I fear that from all these societies the cry is raised that the harvest is plentiful enough, but the labourers are few; that they are in want not so much of financial help (however acceptable), but of willing helpers who will give a few hours a week to visiting and helping the poor. There is, I fear, but slight hope of an early reduction of our high death-rate until there have been far more than ever there have been yet greater efforts made to bring the lower strata of society under the humanising and refining influences of ladies of the *educated* classes.

I need hardly say that the efforts to which I refer are not sanitary in any narrow sense. The lady visitors are not to be inspectors of nuisances or hawkers of disinfecting powders, but the ready sympathisers and helpers of the poor in every form and shape.

Much useful and genuine work has been done by the sanitary mission women at work in connection with the various ladies' associations; but what is really wanted is not a vicarious work, but the presence and influence of the ladies themselves among the poor.

I am well aware of the difficulties of the work, even supposing that a sufficient number of suitable lady visitors were forthcoming in dealing with the more vicious and degraded of the population, who despise any help except that which comes direct from the purse, and with the obstacles thrown in the path by the drunken habits of so many of the poor. In spite of difficulties, the work already done and the results achieved are encouraging enough.

It can hardly be necessary here to give any details of such a work, or the lines on which it is to be conducted. I can only refer shortly to the work of a small lady's society that set to work a few years ago in a small district (Gaythorne) in Manchester. Dividing the district up so that each lady had some twelve to twenty houses under her care, they have visited these houses once or twice a week, the ladies interesting themselves in all the inmates of the house, the work of the husband, the education and rearing of the children, suggesting improvements in the cooking and household arrangements, reporting sanitary defects to the proper authorities, and invoking the aid of the various medical and nursing authorities for the sick. They have further organised concerts, children's parties, country excursions, clothing clubs, and utilised some of the city charities in securing gifts of clothing and bedding for the most necessitous. They have often, through the influence of their friends, succeeded in finding work for those out of employment. All this good work has exercised a most beneficial influence over the habits of the population of the district, and I believe has saved many lives. Such happy influences exerted and maintained will do more to alleviate distress and lengthen human life than anything that it is possible to do by any State interference alone.

Still more influence no doubt can be obtained over the poor by the purchase of small property, placing it in repair and personally collecting the rents, as in the system so

successfully worked by Miss Octavia Hill; but this, from the outlay involved, will necessarily prevent her noble example from being as extensively followed as it deserves.

The establishment of crêches, which has now become common in many of our towns for the infants and children of those who go to work from necessity rather than from choice, is important auxiliary work, and some such institutions seem absolutely necessary in our large manufacturing centres. Often, however, it seems possible, when no such institutions are available, to 'board out,' under proper supervision, the infants with old women who can be thoroughly relied on to take proper care in their feeding and general management. Crêches on a large scale are difficult to work and to make self-supporting.

To sum up the most important means of reducing the high infantile mortality referred to at the commencement of my paper, we must urge upon our local legislators the importance of providing open spaces and recreation grounds; of exercising a constant watchfulness in controlling excessive smoke, the closing of unhealthy dwellings, and the keeping of others in proper repair. We must look to the schoolmaster and his allies for an education that will implant not only the rudiments of knowledge, but self-reliance and self-respect; and above all, we must look to the various philanthropic efforts now being made for the bettering of the condition of the poor, and the further organisation and extension of ladies' sanitary associations.

DISCUSSION.

Mr. Baldwin Latham, C.E. (London) said Mr. Humphreys' paper placed the question of vital statistics on a proper footing, and it was to be hoped that the medical officers of this country would not in future 'jumble up' the deaths of all ages into one rate, but that they would give us the death-rates at the various periods of life computed on the number of those living at those periods. If death-rates were tested in this way, it would tend to throw much light on the question of the healthiness of any place or of any particular period. It was well known to statisticians that places, the population of which was largely made up by immigration, should have a very much lower death-rate than those places in which the natural increase was by the increase of births over deaths, for the simple reason that the first few weeks or months of life were the most fatal periods, and a population not liable to the deaths in the early period of life will naturally appear to be more healthy than one subject to this vicissitude. So, also, a popula-

tion consisting largely of old persons would naturally have a higher death-rate than one in which the population consisted of persons of middle age, or persons living between the ages of 5 and 55. As an example, they might take two very dissimilar towns, viz., Brighton and Bolton, and calculating the death-rates on the population living at the Census of 1881 by the number of deaths occurring in that year, they would find Brighton had a death-rate of 19·19 per 1,000, and Bolton 19·16 per 1,000. Those figures showed apparently that Bolton was the healthier place; but if they multiplied the actual death-rate at various ages in Brighton in that year by the percentage of the population living at those ages in Bolton, the Brighton rate would be reduced to 18·18 per 1,000, and if they treated Bolton in the same way, and multiplied by the percentage of the population living at those ages in Brighton, the Bolton rate would be increased to 21·10 per 1,000; clearly showing that Brighton was the most healthy, and that the apparently healthy condition of Bolton was due to the ages of the people inhabiting the district. Not only, however, had the distribution of the ages of the population a very marked influence on the death-rate, but the sex, occupation, density of the population, as well as the age of immigrants into a district, exercised a remarkable influence on death-rates. With regard to the question of infantile mortality, while agreeing with the author of the second paper (Dr. Ashby) that the conditions to which he refers may exercise a small amount of influence on the death-rate, it was quite clear they could not account for the enormous fluctuations that occurred in those rates from year to year. It was generally supposed that a high birth-rate led to a high rate of deaths among infants, but this was not always the case; for example, a high birth-rate in 1873 was not accompanied by a low death-rate among infants, and in 1871, when the birth-rate was low, the death-rate among infants was very high. Again, taking a town like Liverpool, which is one of the most unhealthy, the deaths among children being very high, the proportion of children under five years of age in Liverpool was considerably less than in most manufacturing towns that had very much lower death-rates. Again, in a healthy district like that of Wokingham, the general death-rate was remarkably low, yet the proportion of young children was greater than on the average of all England. Why should children under one year die in Liverpool, in 1881, at the rate of 260 per 1,000, and children under five years at the rate of 115 per 1,000, while at Wokingham in the same year, children under one year died at the rate of only 79 per 1,000, and under five years at the rate of only 27 per 1,000? His opinion was that it was due to certain sanitary conditions, and that the true test of the sanitary condition of a place must rest on the deaths of children under five years. In carrying on a series of investigations at Croydon and other places on the quantity of water flowing from the ground, he had found that the deaths of children under one year or under five years, in the case of the Croydon experiments, exactly followed the inverse proportion of the volume of water flowing from the ground, or which had passed into the ground and out again. When the quantity of water flowing from the ground in any one year was large, that year was a healthy year, and in

those years when the quantity of water flowing off the ground was small, those years were invariably the most unhealthy. The following figures showed the results at Croydon:—

Year	Death-rate among children under one year		Death-rate among children under five years		Height of water in Godstone Stone Quarry at head of Croydon district about 430 feet above ordnance datum	
	Including diarrhœa	Excluding diarrhœa	Including diarrhœa	Excluding diarrhœa	Month	Feet
1873	142·29	130·48	47·55	43·20	April	22·89
1874	147·37	135·42	51·68	48·68	May	6·81
1875	163·53	144·72	57·13	52·39	April	6·81
1876	142·77	124·11	49·92	45·45	April	13·12
1877	119·51	109·26	46·64	44·05	May	31·12
1878	156·28	127·48	52·35	45·56	May	17·32
1879	120·76	113·90	44·35	42·43	October	12·29
1880	149·07	123·78	50·77	43·89	March	15·31
1881	137·81	123·16	45·66	41·61	April	28·58
1882	165·69	150·62	54·74	51·03	February	12·06
1883	121·18	108·98	41·14	38·17	March	26·91

In 1879 the water was high during the whole year.

In all ages periods of drought had been known to be the most unhealthy, and in drawing a conclusion it was desirable to ascertain if temperature affected the result, for, as a rule, a dry summer was a hot one, and a cold winter was usually also dry, and these conditions of heat and cold affected infantile mortality, heat especially influencing the deaths from diarrhœa. In 1881, they had the two extremes of heat and cold, and yet that was a comparatively healthy year. Moreover, if all the deaths arising from diarrhœa were deducted, it did not make any difference in the rates of fluctuation as influenced by the quantity of water in the ground. He was satisfied, in his own mind, that this excessive mortality among children was due to errors in water-supply, and if more attention were paid to the sources of water-supply, and to the means of effecting the purification of water if taken from a suspicious source, much preventable death and suffering would be prevented, especially amongst children.

Professor GAIRDNER, M.D. (Glasgow) said that Mr. Humphreys' paper appeared to be written strictly according to the method and in the spirit of Dr. Farr's admirable works. It would leave popular bodies without excuse if they make foolish and irrational comments on the science of death-rates. People compare a lot of towns with each other, and seeing one with a death-rate of fourteen, and another one with nineteen, they at once said that the town with the death-rate of nineteen was worse than the other. Dr. Farr and Mr. Humphreys have both told us that the death-rate is not a test of sanitation in itself, but becomes so when rationally and carefully used with due regard to all the circumstances of detail which ought to be kept in view. Mr. Edwin Chadwick had said that a town might contract to reduce its death-

rate to 15 per 1,000, but with all respect to Mr. Chadwick, he (Dr. Gairdner) thought this statement was founded on an entirely unsound view of the science of death-rates. A town desiring so to reduce the rate would not only require to contract for its drains, its public and private buildings, but for its population. It would have to make a contract that no hereditary bad lives should be introduced to the town, and that the bad lives already there should be eliminated; that its manufactories should be dispersed over the country, and the accumulated masses of population spread over 40, 50, or 60 miles of country, taking their means of living with them. There may be a day when our towns may have a rate of 10 or 15 in the 1,000, but it will not be brought near by such statements. Infantile rates are in some respects, though not in all, a better test of the sanitary condition of the country than the death-rate of the whole population; but they must be computed, not, as in Dr. Ashby's otherwise excellent paper, by comparing the deaths of young children with the deaths at all ages (which is a very fallacious method), but by comparing the deaths at each separate period of life with all the lives at risk, so to speak, during the same ages. To the Congress at Glasgow, in 1859, he submitted a study of infantile death-rates, in particular those under one year, which are less generally used by statisticians than those under five years. By comparing, not the deaths, but the death-rates, of infants under one year with those of other ages, you are led to an appreciation of the causes of insanitary life which you are led to in no other way. It showed evils affecting the population which were not indicated by the general death-rate. Supposing the death-rate ot Birmingham were 30 per 1,000, and you found that the rate for children under one year was 150, it is plain that the rate for children is five times that of persons of all ages, and yet that is not in excess of what you may commonly find. Supposing in another place the general rate was only 15 per 1,000, while for children under one year there was still the same death-rate of 150 per 1,000, it would be impossible not to admit that the very young children of such a community were suffering from some mismanagement or other special cause of mortality to them, which the rest of the population in a great measure escaped. The object of the paper in question was to bring out this fact, and to investigate some of the laws of it. In certain agricultural districts there is a low general rate, but a relatively high infantile rate, and in part of the west end of London the same phenomenon occurs. In pointing out these facts, and reasoning upon them in this paper, he (Dr. Gairdner) had been able in some measure to anticipate the sad disclosures which were made some years afterwards of the effect of agricultural 'gangs' upon the domestic life of the rural population. There will be found in all such cases something in the life or ways of the population by which they are undomesticated, as it were, the lives of young infants being the forfeit, so to speak, inevitable under such conditions. It is important that the death-rate of children under one year should be studied from this point of view and in this particular way. It is very bad management in large towns, in which, from the high birth-rate, it is evident that the very existence,

not to say the origin, of the coming race is constantly at stake, that it should be possible to build house after house, nay, whole acres of streets of houses, with no open spaces for recreation attached to them, so that hundreds of children must necessarily be born each year who, even if they escape the dangers of the first infancy, will grow up during their dentition and their first experiments in the use of their little limbs with no playground but the gutter. A place where they can get free air is absolutely necessary for growing children; and to encourage, or even to permit, a system of building that either confines them in close squalid rooms, or turns them out into not less dirty and crowded streets, is the sure way to cultivate, in our great centres of industry, a fatal inheritance of young lives sacrificed in the very cradle, and, where not so lost, sure to be stunted, distorted, and ruined in the very process of growing up.

Dr. Edwin Rickards (Birmingham) said that his attention had been directed to that class of people amongst whom infant mortality is very high—the working classes of large towns. The conclusion was, that it is due largely to the fact that the children are insufficiently cared for, that they are badly and insufficiently supplied with food, and badly managed. This is caused by a large number of the mothers leaving their homes to go to work in factories and other employments. When the wife becomes a mother, the child is put out to nurse, and insured in a burial club. It is then improperly nourished, and the vitality becomes low, and any trifling cause may produce disease resulting in death. The State ought to step in and prevent the mothers going to work until the children have reached a certain age: that would be a great boon to those classes in other ways. The fact of the woman going to work prevents the home being comfortable: it becomes distasteful to the husband, and he spends his time in the public-house. The State ought to prevent the institution of death-clubs.

Dr. Herbert Page (Redditch) said that in the district he lived in, it was impossible to apply the strict test in the absence of the correct age distribution: the district was in two counties, two unions, and four parishes. The State should prevent children's deaths being a source of interest to parents or others, either by putting a veto on the clubs altogether, or providing that a claim should not be payable until some definite period—three or four years—after the death. We must look largely to social influence to improve the condition of things, however much the authorities may interfere. Perhaps we might, at a future time, consider the desirableness of the State erecting *crèches* for the preservation of child-life. The impossibility of bringing home to the sanitary authorities the recognition of their sanitary duties militates against child-life.

Mrs. Heatherly (London) wished to know whether the lower rate of mortality amongst women might not be due to more of them now earning their own living away from home. For the diminution of infant mortality we must look rather to better education than to repressive laws. Young girls can at present earn as much as older women; spending their money on dress instead of on proper food, they ruin their health in order to be attractive to ignorant men.

Children should not be allowed to work for wages before they are fourteen. It is shameful that in this, the wealthiest country in the world, children should be allowed to be made slaves of by their parents. Girls' education especially is sacrificed to the needs of the younger children. Children might learn to work under the direction of the State. They should be taught more about their own bodies and the condition of our social organisation. Children (as was constantly taught by the late Mr. William Ellis) can be indirectly taught the duties of parents and be duly impressed before the age of passion with the feeling that no responsibilities should be undertaken without reasonable hope that they can be fulfilled. Great injury is done by mothers overworking themselves in order to provide their children with necessaries; also by their not understanding how to manage their children. Owing to improper restrictions on adult female employment and the effect of custom, women generally are not paid in proportion to their earnings. Mothers' industrial labour should not be interfered with unless we are prepared to secure to them the means of living; otherwise restriction from remunerative work would often cause slow starvation at home.

Mr. G. Hurst (Bedford) said that much infant mortality should be attributed to poverty. Where there is extreme poverty there are large families—well-to-do people have small families. The low vitality of poor mothers, and the consequent low vitality of the children, make it wonderful that the death-rate is not higher. In the higher classes want of nourishment is the cause of a high rate of mortality amongst infants. A child is placed with the nurse, and so long as it is quiet all goes well, but if it gets restless it has soothing syrup constantly, instead of proper nourishment, which produces low vitality, which eventually ends in death. London is said to be one of the healthiest towns in the country. That is so considering the vast population, but many of the population come there from the country at adult age, and if they become ill they go down into the country to die. It is also the centre of the whole world, where people are swarming from all countries, and remaining a short time, but being there they are numbered in the census, and yet do not remain in London to die. Then the people who are successful in London generally go to the country to spend the latter end of their lives. So there are a variety of circumstances to show that the mortality of London is no test of its sanitary condition. People must work in many instances in factories, and people who have large families are prevented from so doing, so that the problem of living is made more difficult. It is more a question of prosperity and poverty than of anything else. Amongst the middle class there is much less infant mortality than amongst the upper and lower classes.

Dr. Edward Seaton (Hon. Secretary of the Department) said that the relation of the infant death-rate to the gross death-rate was the root of the question. He agreed that the healthy conditions of a district are not only the municipal conditions which govern the state of health of the people, but also their method of living—although that is not the popular explanation of the term. Sanitary conditions generally mean such conditions as are capable of being controlled by the municipality. Looked at from that point of view, the infant death-rate becomes a very

important question. Mr. Humphreys had demonstrated that in the centres of industry where young married people flock together, and where the birth-rate was consequently high, the excessive death-rate is corrected by the fact that there you also get a very large number of persons at that period of life when mortality is very low. But it should be remembered that in those centres where the trade is textile, besides the persons drawn to the centre, you have large numbers of women working in the factories, which leads to a very high infant death-rate. An infant death-rate of 150 per 1,000 of the births had been referred to as excessively high, but in Nottingham and Leicester it had been 190 per 1,000 of children under one year. Nottingham is a town in which the death-rate had not been reduced in the proportion that it would have been if it were not for the excessive infant mortality, which steadily swells the gross death-rate. A comparison of the death-rates of the several groups for the years 1878–82 and 1868–72 shows that, while the rate for the ages between five and twenty was reduced 22 per cent., and between twenty and forty 26 per cent., mainly by sanitary measures, the death-rate for persons under five years of age, including infants under one year, was almost stationary—that is to say, there was a very slight decrease. Sanitary measures would affect the death-rate amongst infants even more than amongst adults, and it is admitted that infant life is very sensitive to sanitary conditions. This apparent failure of the measures is due to gross neglect of the infants, but it is almost hopeless that the municipalities can ever hope to control it, and it will not be a matter for State regulation. The mothers are given an opportunity of earning high wages, when they neglect their children. This weakening of the maternal instinct is a matter of the gravest possible concern to the welfare of the country. In a special inquiry visits were made to the homes where children under one year died, and it was quite an exception to find any sorrow on the part of the parent. The Health Committee of Nottingham passed a resolution that the coroner should hold inquests on children under one year of age who died under suspicious circumstances. It was thought this would be a salutary measure, but it has not realised this expectation. None of the remedies suggested will touch the root of the evil. There is a great responsibility resting upon the employers of labour, who might do a great deal by stopping women attending their factories at certain times, but that would have to be a voluntary matter. The point that he wished to emphasise was, that the results of sanitary measures are sometimes obscured by the excessive mortality of infants, especially in the textile fabric towns.

Mr. F. G. P. Neison (London) said that to make an *efficient* comparison between two death-rates it was essential that the populations should be of a similar composition, but this is not necessarily the case with the average death-rate of one town and another. Mr. Humphreys had drawn attention to some of the disturbing elements in the average death-rate, as the preponderance of women, and the age distribution; but there are also the questions of migration and occupation. In a large locality in which all persons followed agricultural pursuits the death-rate would be very different from that in a place mainly occupied, if such

were possible, by dock labourers. Public writers are fond of taking the average rates of various towns and drawing fallacious deductions, but, for the reasons set out by Professor Gairdner, such a comparison would only be misleading. There ought to be some more efficient test of the sanitary condition of a town than the average death-rate. Working people say, in connection with their benefit organisations, how can our trade be unhealthy when we only have a rate of 10 or 12 per 1,000? forgetting that in such a population there are few children and aged persons. But are the working classes the only persons who draw false deductions on this subject? In public institutions the same things occur. Comparisons of death-rates would be much less open to objection if you were to take the mean mortality of the five groups of ages. In the metropolis the mortality is very low—22 or 23 per 1,000—but very few persons have an idea of the excess of the rate of mortality among males between twenty-five and forty-five, for the fact is hidden by the general average mortality. In other words, the excess in these ages is made up by the less mortality in other ages. This ought to be altered—the sanitarian ought to be able to put his finger on the precise blot in the population. As to Professor Gairdner's suggestion of taking only the deaths under five, if the rate were affected by natural causes only, it would be very well; but it is affected by unnatural causes by which children are not affected. He wished to state most decidedly that the death-rate is no adequate measure of the amount of sickness in a population. In friendly-society organisations to provide sickness allowances it was often found that with a very high sickness-rate the death-rate would be very low. While all agricultural pursuits give a low death-rate their sickness-rate is the reverse. In the return of the Ancient Order of Foresters were cases of several persons who were unable to follow their occupations for twenty to thirty years. Ultimately their deaths will be registered, but there will be nothing to show that they had been ill all these years. It is fallacious to say that a death-rate and a sick-rate are synonymous; the analysis of the Government returns shows that there is not this analogy between the two. Many people have come to the conclurion that it is desirable to have an annual sickness return as well as a death return. Some years since a number of medical men were so impressed with the importance of such a return that they endeavoured to maintain one, but no individual can hope to succeed; if it is to succeed it must be done by the State. The notification of infectious diseases will be a step towards such a register. The death-rate has done much good, but not so much as if there were fewer anomalies connected with it. In connection with Dr. Ashby's remarks upon the insurance of the lives of children he must enter a strong protest against the statement that the working classes over-insure children, for the limits of insurance are laid down by Act of Parliament. The registrar of Friendly Societies would take proceedings if the limit were exceeded. The opinion that insurance leads to infanticide was so strong in 1854 that a Select Committee of the House of Commons considered the subject, in which several judges took part, but they reported that they could find no traces of this infanticide. There is a stronger proof than that. The Prudential Company insures four and three-quarter

millions of people; they keep a most careful record of the mortality of their clients, and they said that the rate of mortality of children between one year and five is slightly below the general mortality.

The PRESIDENT OF THE DEPARTMENT (Dr. Norman Chevers) said that the weakest link in the death-rate was the slum-rate, and the weakest in that was the rate for children under one year of age. Many of these deaths arise from causes which are not preventable; the children are born sickly, doomed to an early death. This can only be altered by a very great change in the parents. As we educate our people better, there will be lower death-rates of children. His own experience as a medical man in London was that in some cases of infant death the parents have said 'It is better so.' Enough has not been said with regard to personal cleanliness, which goes a very long way towards prolonging child life. There must be a high death-rate amongst the children of inexperienced mothers, and it would be interesting to know how many of the 150 per 1,000 are the first-born. It is often noticed that in a handsome family the only ugly one is the first-born, which has not been properly brought up. Benevolent ladies might do much in such cases by general suggestions as to the treatment of the first-born.

Mr. NOEL A. HUMPHREYS, in reply, said Dr. Ashby's paper afforded satisfactory evidence that medical officers are becoming aware of the fact that the true death-rate is that of persons dying at a certain age, compared with those living at the same age. Mr. Baldwin Latham's suggestion as to subsoil water appeared to resolve itself into the one fact that dry seasons are hot, and hot seasons produce great infant mortality, and cold seasons a low rate. His own paper did not profess to deal with the question of infant mortality. The relative excess of male over female mortality has shown a constant increase in late years, but that may mean either that the mortality of males is increasing, or that of females decreasing; the fact is that the greatest decrease in the death-rate has occurred among females. This is a very encouraging fact, for sanitation dealing with the homes of the people has a more direct effect upon women and children than upon men. At present there is no registration of still-births in the United Kingdom, and this is the only country where this is the case, and it is to be regretted. The extreme limit of disturbance of death-rates to be accounted for by sex is about three per 1,000. If we could get a better test of the sanitary condition of a place than the average death-rate, he would be willing to surrender the death-rate. The suggestion to take the mean of five groups of ages is not a very scientific one, because it is mixing up things which have no connection. It would give a better result than the gross death-rate, but it would be difficult to get medical officers to accept the same groups of ages, without which the method would be fallacious. As to the sickness-rate, Mr. Neison did not quite look at it from the point of view intended. In some diseases the proportion of sick to dying is larger than in others—for instance, the proportion of deaths to cases is far smaller in rheumatism than in cancer. The number of persons suffering from any disease, however, bears a tolerably constant relation to the number of persons dying from the same disease. But the proportion of deaths in zymotic diseases varies, and

the death-rate takes that into account. Mr. Neison's experience is mostly derived from the returns of friendly societies, in which persons registering their sickness become entitled to pay, and which induces an element of uncertainty. A national register of sickness would be of immense value, and it has been suggested at various times during the last twenty-five years. The gross death-rate is not an absolutely accurate or scientific test of the health of a population; but it is the best we have, and one which has been the means of stimulating an interest in public health. The use of death-rates indirectly led to the Public Health Acts of 1872 and 1875. The reduction of the death-rate since these Acts came into operation has been almost startling, and it has been especially remarkable since 1880. He urged, therefore, the continued use of the death-rate, at any rate until an undoubtedly better numerical test of sanitary condition is found to take its place.

Dr. Henry Ashby, in reply, said that in writing his paper he had felt he was telling a story which had been told a great many times before. But the facts which he had brought before them must again remind them of the necessity of continuing to labour to reduce the death-rate. There could be little doubt, as a lady in the audience had just reminded them, that rapid child-bearing and large families meant weak and fragile children, and were important factors in the production of infant mortality. His method of stating statistically the mortality of children, by contrasting the death-rate of children with the general death-rate, had been criticised by several speakers; he felt the force of these criticisms, and would only add that he had used the only method open to him, as he had not been able to obtain the necessary data for a more scientific method. With regard to burial clubs, he could not agree with Mr. Neison in thinking that they were useful institutions, encouraging provident habits among the poor. For his part, he thought there was something wrong, when on the first day their children were born the mothers made provision for their burial. There is not much evidence of what may be called cold-blooded infanticide in the strict sense. One does not believe that they are directly put out of the way for the sake of the burial money. But when a child is ill or does not thrive as it ought, and the friends doubt its recovery, the fact of its death bringing 3*l.* to 6*l.* into the parents' pocket too often helps to terminate its existence. Indeed he believed that at times children were insured for more than 6*l.*

Mr. Neison said the speaker was surely neglecting his duty when he did not report a case of parents getting more than 6*l.*, the limit under the Act.

Dr. Ashby: In one club?

Mr. Neison: In any number of clubs.

Mr. Humphreys said the Act requires that the money shall be paid by the treasurer on production of the certificate of death, and upon that the sum to be paid is stated, so that the Registrar of Deaths has a check upon the total amount.

Dr. Ashby replied that the law is evaded. In many ways the clubs act injuriously; it is often impossible to get a correct account of an infant's illness, the parents fearing that in the death certificate the

duration of disease stated may imperil the club money. He believed the influence of burial clubs was wholly bad, and helped to foster and maintain the already too great infant mortality of our great cities.

MISCELLANEOUS.

'The Relations between Boards of Guardians and their Medical Officers' was the title of a Paper read by Dr. JOSEPH ROGERS, President of the Poor Law Medical Officers' Association.[1] In introducing the subject, Dr. Rogers gave a brief sketch of the causes which led to the introduction of the New Poor Law, 1834, and showed that whilst every conceivable factor in the production of pauperism was inquired into by the Commission that sat in 1831, 1832, and 1833, the subject of sickness was altogether ignored; that as a result the Commission did not refer to this question in their Report, and that the arrangements made for the treatment of the sick poor were conceived in the harshest and falsest economic spirit. That since its introduction, now fifty years ago, continuous discontent had existed among Poor Law Medical Officers, and that many attempts had been made to improve their position, first by the grant of fees for important operations, &c.

Dr. Rogers showed how these arrangements were rendered nugatory by the various Boards of Guardians cutting down the stipends so as to meet the anticipated advance, and how frequently these Boards abused their power by refusing to pay those fees which the medical officers were legally entitled to. He then referred to the provision made by the late Sir Robert Peel, with the view to improve the position of Poor Law Medical Officers, who arranged that one-half of their stipends should be paid from the Consolidated Fund, and showed that the Boards took the monies but did not improve the salaries.

Dr. Rogers then pointed out the very large bearing which sickness among the poor had in the production of pauperism, and showed by reference to statistics that in those unions and parishes where an efficient medical relief system had been established, there a marked diminution had taken place in expenditure on pauperism.

He further, by reference to Parliamentary papers, showed

[1] This Paper has been published in full in the Journal of the Society of Poor Law Medical Officers.

what also had occurred in Ireland, where, since the introduction of the dispensary system of medical relief, a marked difference had taken place in the health of the poor, and consequent thereon a great diminution in the cost of pauperism, as evidenced by a lower death-rate, both as regards general and zymotic mortality, when contrasted with that which holds in England and Wales and in Scotland.

Dr. Rogers then proceeded to point out the nature of the reforms he advocated, which were an extension of the dispensary system, which had been established in London and in Ireland, to all unions and parishes in England and Wales; and with a view to the improvement of the status and emoluments of medical officers, that their stipends should be paid wholly either from a county rate or from the Consolidated Fund; and that a larger measure of discretion should be accorded to those gentlemen in determining what medical comforts should be given to the sick poor under their charge.

A Paper on 'Asiatic Cholera and some of the Lessons learnt in its Home in India during Thirty Years' Service' was read by Surgeon-Major R. PRINGLE, M.D., Sanitary Department, Her Majesty's Bengal Army. Dr. Pringle divided the subject into four heads, viz., Origin, Spread, Treatment, and Prevention.

Origin.—With the single exception of the cholera epidemic of 1882–83, which appeared to come back from the Punjaub to Bengal, every cholera epidemic of the past thirty years has originated in Lower Bengal, and worked up to the North-West, and so passed out of India.

Spread.—Judged by the experience of thirty years' observation in India, and the spread of the cholera outbreak from Juggernauth, on the Bay of Bengal, in 1856; and those at Hurdwar, on the Ganges, at the foot of the Himalayas, in 1867 and 1879, at all three of which Dr. Pringle was present as medical and sanitary officer of the district, Dr. Pringle appeared to favour the view that the disease spreads by human intercourse, though not in the contagious and infectious manner seen in small-pox and similar diseases. There are facts connected with the spread of cholera which are simply inexplicable; as, for instance, the epidemic in Europe now spreading towards Italy and the East, instead of on the lines of the greatest human intercourse, viz., from Toulon or Marseilles to Paris. Further, Dr. Pringle's experience tended to show that an insanitary condition of a locality would not of itself produce, or rather originate, cholera; but the results

of this insanitation in producing diarrhœa, with dysenteric symptoms—probably from the condition of the mucous membranes in these cases admitting of the free absorption of the cholera poison, or germ, or whatever it is—in such a manner, and to such an extent in a wonderfully short space of time, might give rise to such a sudden and local appearance of the disease, that he could understand the outbreak being stated to be due to local causes, and spreading accordingly. Anyone, however, who had seen the disease burst into an extensive epidemic, as Dr. Pringle did at Juggernauth in 1856, and Hurdwar in 1867 and 1879, from what seemed a few isolated or sporadic cases, will quite understand how, when local causes and the general health of the population favour its development, the disease appears in an almost universal manner.

Treatment.—Dr. Pringle's views on this subject were those of believers in the theory of elimination of the poison, and he was strongly opposed to the employment of opiates and alcoholic stimulants, as he was satisfied that, in the stage of reaction, and consequent reabsorption following that of collapse, they tended to the production of, if they did not actually produce, the febrile symptoms and those of congestion which often proved fatal after the stage of collapse had been passed through. In the stage of emission, *i.e.* purging and vomiting, Dr. Pringle stated that the function of absorption seemed for the time suspended, and, judging from his own case, and that of others, in which medicine did not remain for a moment in the stomach; and in many, in which none at all was given, recoveries at this stage were due, if they took place before the stage of collapse was entered upon, to the natural emission of the poison or germ, and the *vis medicatrix naturæ*, in rallying from it. Dr. Pringle also contended that there was no such stage as premonitory diarrhœa. In true cases of Asiatic cholera in India, hundreds of instances are known in which the sufferers were in perfect health till they were seized with cholera, which, in a few hours generally, in severe epidemics proved fatal in the night, and in the case of pilgrims, their companions left them and marched on. Nursing is the sheet anchor in cholera, and perseverance in the stage of collapse till all doubt is removed of death having claimed its victim. The stimulant mixture which Dr. Pringle has found most suitable in cholera is carbonate of ammonia in full doses, with sulphuric and nitric æther in camphor mixture; and the great advantage of this mixture is, that it does not interfere with the efforts of

nature in rallying; on the contrary, it assists them, while the nitric æther may help in restoring the secretion suspended so long during the terrible flow of fluids from the body. Nursing in collapse may restore many a patient, by bringing back the warmth to the body, and circulation in the vessels of the skin.

Prevention.—That which removes the conditions which produce diarrhœa and dysentery, and which seeks out and treats these cases, is the best measure of prevention. Quarantine on land is worse than useless: it conceals the disease when present, and secretly admits it when, till then, absent. In the case of railway changing and halting stations, special arrangements for the inspection and treatment and ultimate removal to destination of all suspicious or real cases of cholera will obviously be most beneficial. In the case of infected ships a careful and *independent inspection* of crew and passengers should be made, and, as in changing and halting stations, special arrangements either on board another ship or on land, should be available, for the cure and treatment of the sick, and when the ship is empty it should be thoroughly fumigated and cleaned out.

A Paper on 'Vaccination and Re-vaccination' was also contributed by Dr. PRINGLE. In discussing this subject the author divided it into two heads—

1. Has vaccination lost any of its protective power?
2. If so, does re-vaccination supply this loss, and is it thus necessary?

In giving the result of his thirty years' experience in India, Dr. Pringle pointed out that vaccination, when carefully and systematically carried out, not only proved that vaccination had lost none of its protective power, even under the force of the contagion it had often to contend against in India; but that, after the transmission of the vaccine lymph through vast numbers of cases, he could detect no difference between the vaccine vesicle at the commencement and that at the close of the vaccine operations in the North-West Provinces of India, where vaccination can alone be carried on from November to the middle of March, and no difference could be noticed in the protective power. To obtain these results, however, Dr. Pringle laid great stress upon the fact, that, if these results are to be expected, vaccination must be carried on according to the method he has adopted, viz., with what amounts to fresh vaccine lymph, or arm to arm vaccination. When once the vesicle is established, the vaccinator

should be absolutely independent of all *stored* lymph, and his work will therefore depend on the character *of his own vaccine vesicle*, which he must thus see at the seventh day, and if a failure operate again. Dr. Pringle pointed out that vaccination, thus protected in its performance, was the best guarantee of its quality. Further, that there was no such thing as carrying on defective or spurious vaccination, unless the vaccinator was so ignorant of his duties as to operate with degenerated lymph; and this failure would be apparent at once, as at the first operation with this purulent fluid no vesicle would be obtained, but local irritation and constitutional disturbance would alone result from operations with this degenerated vaccine lymph.

Is re-vaccination necessary?

Dr. Pringle pointed out that he had never practised it in his service of thirty years among the natives, having invariably trusted to the quality of his work, as obtained from operating with fresh vaccine lymph. During last year this mode of practising vaccination was tested in the large city and cantonment of Meerut, with a united population of 120,000, when the European troops were re-vaccinated, and not one case of re-vaccination was performed among the natives; and yet, after all his years of work (for Dr. Pringle had worked here for twenty consecutive years), not one case of small-pox after vaccination was met with. Other instances were given, and Dr. Pringle concluded with the remark that were it not for vaccination no European force could hold India, because the universality of small-pox in India was such, that no European country could stand the drain necessary to supply the vacancies caused by small-pox, and India would have to be given up unless vaccination protected the troops, subjected to the annual influence of small-pox contagion, in a country where the disease is worshipped in the shape of an idol, and earthen vessels full of small-pox crusts are placed in cross-roads, as at Agen, to drive away the evil spirit of small-pox, by, he supposed, sending it on the cartwheels to another place. So utterly regardless are the natives of India of the infection or contagion of small-pox, that Dr. Pringle alluded to a case where small-pox entered one of his 'lymph-nurseries' in the Himalayas, by means of small-pox crusts, which had been mixed up with the sugar sweepings from the floor, and sold to poor people in the Himalayas, where sugar, as a local product, is unknown. Dr. Pringle remarked that doubtless re-vaccination will get the credit of this immunity seen at Meerut, and in India generally, among the

Europeans; but he pointed out that not one in a hundred of these cases of re-vaccination exhibited the characteristic appearances seen in good primary vaccination, and that what was usually termed good vesicles—or pustules, as they should more correctly be called—were spoken of as 'as good as is usually seen in re-vaccination.' Dr. Pringle, however, considered them local irritation with varying constitutional disturbance. Dr. Pringle concluded with the observation that, had he believed in the necessity of re-vaccination, he should never have been the chief in the Himalayas in supplanting inoculation without the repetition of the operation, which might have become careful and systematic, by vaccination with re-vaccination, as in his opinion the former would be infinitely preferable to the latter in India at least, and certainly in his sanitary circle with a birth-rate of half a million. As regards the possibility of communicating with vaccinia other diseases, and chiefly those of a syphilitic character, Dr. Pringle stated his experience of this subject was such, that, though it had never happened in his own practice, he was satisfied, from what he had heard and read, if such had occurred, the carelessness which produced it could only be grossly culpable, and should be viewed as criminal, and punished accordingly.

Captain VERNEY, R.N., Chairman of Quarter Sessions for the county of Anglesey, read a paper on 'Legislation for Infectious Diseases.'[1] The author argued that law ought to protect the people against injury by disease on the same principle that it protected them from injury by violence. A law affording protection against infectious diseases ought to apply equally to every part of the United Kingdom, and be enforced with penalties that would press with equal severity upon rich and poor. Every person suffering from infectious disorder should be entitled to medical aid, and if necessary to hospital treatment, at the public expense.

A Paper 'On Hospital Ships' was contributed by Dr. P. MURRAY BRAIDWOOD.[2] The author commenced by describing the drawings he exhibited of two designs representing vessels of different classes or types, but of similar dimensions, viz., what are known as 'spar deck' and 'shade deck' steamers. Plan A, representing a 'shade deck

[1] This Paper has been published in pamphlet form by the Author.
[2] This Paper has been published in pamphlet form by the Author.

steamer, afforded the best means of lighting and ventilating the lower wards through continuous skylights arranged along the outside of the wards; but this contracts the area of the wards in the deck above. Plan B showed a 'spar deck' steamer, affording much greater deck area than the other vessel, and longer wards on the main deck. Plan A showed seven separate wards, giving accommodation for about 240 patients and their attendant officers and nurses; while in a hospital ship after plan B eight separate wards were arranged, to hold about 280 patients with the accompanying staff. In both types of hospital ships the wards are well lighted and ventilated, and adjoining them are rooms for nurses and doctors, whilst every arrangement for administration work can be obtained and isolation secured.

At present the method adopted by Government is to charter at the lowest freight rate the largest steamers available, and to convert them into hospital ships. Now, all medical men know that the treatment of sick and wounded persons in a building which has been converted from an ordinary dwelling-house into a hospital is *always most unsatisfactory*. Hence it is deemed necessary to erect, on shore, buildings specially constructed for hospital purposes. It seems to the author, therefore, that modern advancement requires that we afford equally suitable accommodation and arrangements for the treatment of the sick and wounded at sea. But it is argued that the residence of sick and wounded persons on board ship is only temporary. Even so, yet these earliest days or weeks under surgical or medical treatment are *the* most important; and the author urged that, on this ground alone, *the best facilities* for such treatment should be afforded by hospital ships, equally with shore hospitals, to those thus exposed. Furthermore, patients treated in specially constructed and suitably arranged hospital ships would not require to be landed at the nearest point of debarkation from that at which they were received, but could with advantage continue their ship-life till they reached the best shore hospital. The designs exhibited were so planned that each ward has a room for the nurses in charge to overlook its inmates; each deck has a dispensary, doctors' rooms, and a small kitchen in which to prepare food for the patients; while a lift is arranged for the raising or lowering of *two patients at once in their beds* into whichever deck they are apportioned. Winches moved by steam are provided to work the several hatches, and there are ample bathroom and water-closet arrangements.

The following is an abstract of a Paper 'On the Future of some of the London Hospitals,' by Mr. R. DENNY URLIN, M.L.S.B.:—There have been counted in a single copy of a London evening paper no fewer than ten urgent appeals for pecuniary aid on behalf of hospitals in or near to London. Amongst these does not appear that most useful hospital which is known to be trenching on its 'reserve fund' at the rate of several thousands annually. From many such instances it may fairly be concluded that (in spite of Saturday and Sunday funds) there are a number of unendowed hospitals which cannot now pay their way; while as London grows, and contributions fall off, some of them will probably collapse. If this fate befell some of the small specialist institutions it would be no great loss; but there are others which from their position and mode of operation have become public necessities, and, if they are to be maintained, there must be sooner or later a subvention from public funds. This will certainly bring with it some degree of inspection and control, which will be advantageous. It is reasonable that any building which shelters a large number of inmates should be periodically inspected by a responsible officer. At present a hospital may be planned, built, and carried on without any due security for the safety and health of the inmates, and solely at the caprice of a secretary and a board—it may be rarely meeting, and without special aptitude for this important work. Also, if public money goes in support of hospitals, it will be reasonable to have the accounts audited. As hospitals are built for the public, and are mainly supported by the public, it is fair that they should be regarded as public institutions, and subjected to inspection and audit accordingly. Inspection for sanitary and other purposes should be compulsory in case of all such structures, while audit should be imposed as the condition of obtaining any grant from Government or local funds. The parish school has wonderfully improved since it shared in a parliamentary grant and came under a system of inspection; and like results may be hoped for if hospitals shall cease to be altogether under private and irresponsible management.

A Paper entitled 'A Plea for Homes and Hospitals for Incurable and Chronic Diseases, with Special Reference to the Midland Counties Home for Incurables at Leamington,' was contributed by Mr. J. LANCASTER RANKING, Surgeon-General (retired), Madras Medical Service. The writer briefly reviewed the development of hospitals, and the

provision which has been made throughout the length and breadth of the land for hospitals for special diseases, and classes of disease, and for convalescents; but remarked that homes and hospitals for incurable and chronic diseases are few, and insufficient for the wants of the community.

He then proceeded to sketch the origin and progress of the 'Midland Counties Home for Incurables,' established at Leamington, which had recently been rescued from private management, and constituted a public institution for this class of sufferers.

The writer acknowledged that his sole object in offering the paper for acceptance was to make the 'Home' better known; and especially to introduce it to the notice of the charitable public of the Midland Counties, to whose sympathy and support he confidently commended it.

A Paper, with the title 'Sanitary Test-value of the "Mean Mortality," with suggested Means for Reduction of Child Mortality,' was read by Dr. Herbert Page, Redditch. The brief time allotted for these papers did not, the author said, admit of his making elaborate mathematical, statistical, or other proofs; he therefore confined his observations to the general subject of those varying conditions which modify the test, and impose limitation which must not be overlooked in gauging its true value. First and most important of these was the element of Time, the relative value of a mean depending on the length of the series of years or group of events observed, its value increasing as the square of the time. At least, a decennium should be taken, especially in small populations, and those where numerous other variants affect the result. In the terse language of Dr. Guy, 'averages are numerical expressions of probabilities, extreme values are expressions of possibilities.' The degree of approximation to the truth should, with regard to the probabilities, be estimated by Poisson's rule, and with respect to the probabilities, by ascertaining the error of mean square, or simpler, by the method of successive means. The effect of the birth-rate, the nature of the sex and age, grouping of the living, compared with the standard of the 'English Life Tables,' and the local Life Table, the effect of selected lives, of public institutions, emigration, and immigration, and especially the 'expectation of life' of the community, must be regarded. Briefly, the value of these variants being assessed, the trustworthiness of the mean mortality will be in proportion to the balancing of the extremes, deduced from a sufficient series of observa-

tions, and having special regard to the relative sex and age groups of the living to those of the dying; in the same groups, in the same or similar populations. Reverting to the causes and remedies for the high child mortality, the author enumerated the delegation of the care of infants and children to others whilst the mothers were engaged at work, coupled with improper feeding. He suggested the Infant Life Protection Act should be raised from being a dead letter and enforced by the sanitary authorities; that every person taking charge of an infant or child for pecuniary or other reward or consideration should be required to register her name and address with the local sanitary authority and the registrar, and should be compelled to comply with specific regulations as to character, cubic space (regulating the number of children to be allowed), bed accommodation, washing and laundry appliances, and general sanitary regulations as to light, ventilation, drainage, water supply, and systematic inspection; the compulsory establishment at the local expense of a sufficient number of properly appointed crêches. He suggested that the employment of women after childbirth should not be allowed within twelve months of childbirth, and that the employers of husband and wife should be required to deduct a certain fraction from their weekly wages to be invested with the Government on the wife's behalf, to be refunded during her enforced absence from work; the registration of births within five days, and the delivery by the registrar of a copy of simple instructions in the care and feeding of infants. The more or less continuous presence of zymotic diseases and epidemics being important causes of waste of child life, considering we *had* advanced, even officially in law, so far as to admit their preventability, it was disgraceful to civilisation that the provision of infectious hospital accommodation was not compulsory, and that we did not register the presence of these cases, at least as carefully as we do those occurring amongst cattle. Again, in the effects of the common insanitary defects of many so-called dwellings, he was aware of the difficulty and present position of the subject, but thought it must shortly be so enacted that no person or community shall be allowed to possess any dwelling contravening the primary essentials of healthiness. Another most important factor threatening, if it does not distinctly bear against child life, is the prevalent custom of insuring the lives of infants and children, by which parents (and *also* others not related) acquire a pecuniary interest in the death of their offspring; even such a

possibility is inhuman, and should be illegal. Either no insurance should be permitted on a life under five years of age; or, if permitted, any claim arising therefrom should not be payable until a specified time after death, long enough to destroy all pecuniary interest therein. Again, we urgently require an extended, reformed, and simplified method of medico-legal inquiry into the causes of the deaths of children. First, let the efficiency of medical officers of health be required by diploma, secure their official independence and tenure of office, and they might well be required *ex-officio* to act as deputy coroners, or assessors to, if not as coroners. An inquiry should be held in every case where the cause of death was not certified by a registered practitioner, or, notwithstanding this, in cases where the cause was ill-defined or doubtful. He would make, at least, the principal zymotic diseases justifiable 'causes' to investigate, and sanitary authorities should be held pecuniarily responsible (in a manner regulated by law) for omissions or neglect of duties connected therewith. Lastly, there was another potent cause at the very root of much child mortality, but which he was afraid we were not yet prepared to touch, hardly to seriously consider—viz. some check on marriage to prevent the transmission of an enfeebled heredity from various causes, alike a misfortune to parents and offspring, and further endangering succeeding generations, antagonising the highest beneficial and national aim of hygiene, viz. to raise the expectation of life in every community, thereby securing to it and the nation 'the greatest good of the greatest number,' and rendering 'growth more perfect, decay less rapid, life more vigorous, death more remote.' Our waste of child life, which is a national and legal-hygienic blot, calls for the serious consideration of some such measures as here sketched; the saving of life which can be undoubtedly effected would speedily justify the legislative adoption and practice of some such principles.

A Paper 'On the Pollution of Rivers' was contributed by the Rev. E. Wyatt-Edgell, who advocated that measures should be taken to prevent rivers being polluted by the throwing into them of the carcases of dead animals. The evil was most apparent in the southern and midland counties, because in the northern and western parts of the island the branches of the rivers were differently circumstanced, the currents were more rapid, the banks rocky and covered with vegetation. The first-named rivers flowed

without exception through pasture land, the fields bordering them were generally flooded in winter, and all sorts of animals, small and large, grazed on the adjacent land. He pointed out that it was customary for shepherds to throw the bodies of sheep which died a natural death into the nearest river, it being the most convenient mode of disposing of their carcases. These sink to the bottom for a time; when decomposition sets in, they become buoyant and rise to the surface; then they become entangled in the weeds. The river flowed through these masses of corruption, and so became seriously polluted. In addition to this source of impurity, the inhabitants of the contiguous villages and towns used the rivers as receptacles for dead animals, garbage, &c., and thus rendered the water unfit for drinking purposes. The Act of Parliament 39 & 40 Vict. c. 75 contained enactments to prevent people from thus abusing the rivers, but had no force, because there was no special authority to carry out its provisions, nor was there any facility for the detection of offenders. The author admitted great difficulties to exist, inasmuch as the poorer classes had no other resource for the disposal of their dead animals than the rivers, but contented himself with calling attention to the fact of the evil existing, leaving the consideration of the remedies to the section.

Mrs. R. W. Dale read a paper, entitled 'A Short Account of Sanitary Work carried on in Birmingham by a Ladies' Association.' The Association, she said, was formed in 1871, its original object being to establish classes and lectures to assist married ladies and young ladies who had recently left school in carrying on their education. The lectures and classes were well attended and much appreciated. In 1874 the association was united with another, and its range of work extended. It had the superintendence of the Oxford and Cambridge Local Examinations. At various times, classes for the teaching of cooking and needlework had been established, a club had been opened for the use of shop girls, and arrangements had been made for the delivery of sanitary lectures to women and girls above fifteen. A large proportion of every audience consisted of working women. The lectures had been carried on for about eleven years. Mrs. Dale indicated the kind of lecture that was delivered, and said that the attention of those connected with the association having been called to the number of accidents to children arising from unprotected fireplaces, fireguards were

sold at the close of each lecture. At the close of each course of lectures they had a social evening, and prizes were given for the best complete sets of answers. They were sometimes asked if they found any good results from their work; but if they did not, some of them who had now been engaged in it for more than ten years would be inclined to give it up. She had in her possession a number of letters from women who had attended the lectures, telling her of their thankfulness to the association for providing such teaching, and of the practical use they had made of the instruction given them. She was sure that there was a wider knowledge amongst the people of the danger arising from infectious diseases. The women saw that in their homes isolation was impossible, and there was less reluctance to send their children to the borough hospital and to the fever ward of the Children's Hospital than there once was. The association had lately undertaken cottage lectures, and they were likely to prove very useful. It took a long time to make an impression upon a large town like Birmingham, but she was sure that their eleven years of sanitary teaching had borne fruit. She wished in conclusion to acknowledge the great kindness of the medical men. They had always been ready to assist them.

'A Method of treating Human Bodies for the Prevention of Putrefactive Changes' was the title of a Paper read by Mr. Thomas Bayley. In this paper the author, after referring to the various insanitary consequences which result from the present system of leaving dead bodies to undergo slow putrefaction, refers to the efforts that have been made to effect the substitution of cremation for burial. Among the objections urged against the former system are those founded upon certain theological considerations, upon sentiment, and some medico-legal objections. The latter are valid, and have hitherto operated to prevent a favourable deportment of public opinion towards cremation. Cremation, it is urged, would impart confidence to poisoners, because all chance of subsequent detection would disappear with the destruction of the body. Mr. Bayley, therefore, proposes to subject bodies to a process of dehydration in underground galleries, traversed by a current of cold and desiccated air, from which all germs capable of exciting putrefaction would be removed by filtration. The bodies, loosely but completely enveloped in cotton-wool, and placed within metallic cases of open construction, which would be riveted up, would be exposed

upon shelves to the current of dried air until the tissues were desiccated. The galleries would be of elongated form, situated beneath the surface of the ground, and lined with asphalte or impervious cement. Thorough cooling of the air would be necessary in the first stages of drying, but after a time the process would go on at a higher temperature, and proceed rapidly. The cooling would be easily accomplished by the employment of freezing machines on the compressed-air principle, the practical success of which has been amply demonstrated in the trans-oceanic meat traffic. The aqueous vapour would be completely removed from the air by the employment of desiccating chemicals, such as soda-lime, sulphuric acid, or chloride of calcium. The latter is largely produced as a waste product in several manufacturing operations, and could be placed upon the market at a few pounds per ton. Any of these chemicals after use are capable of being restored to a condition of activity by the application of heat, and would be used over and over again indefinitely. The drying up of the water in an adult body, if performed by the direct action of heat as in a steam boiler, would cost about a penny, and since in the suggested process the evaporation depends mainly upon the expenditure of fuel, although indirectly, the cost of the process would be no obstacle to its employment by all classes.

After treatment and the lapse of a prescribed number of years, the bodies could be cremated, removed to family vaults in air-tight metallic cases, or otherwise disposed of. The bodies in their final condition, although shrunken, would still be covered by a whitish integument, and would resemble the mummies of those Egyptians of the affluent class who underwent after death the most effective process of embalming. Mummies have, in fact, resulted from the drying up of the tissues in the absence of putrefaction. Even in our own time something like the suggested process of dehydration takes place naturally, but to a less perfect extent, in certain burial chambers. Bodies deposited in the vaults under the ancient church of St. Michan in Dublin do not putrefy, but dry up to a kind of mummy-like condition. This has been ascribed to antiseptic properties in the neighbouring soil, but has been shown to result from the relative dryness of the vaults, and to the absence from their atmosphere of dust, and consequently of the living germs without which putrefaction is impossible. In connection with each hydratorium, which is the name suggested for the establishment where the new process would be carried on, there

might be established refrigerating mortuary chambers for the reception of bodies awaiting inquest. The effluent air from the drying chambers would be passed through furnaces and then into the sewers, or by means of a stack into the upper regions of the atmosphere.

Surgeon-Major GEORGE A. HUTTON contributed a Paper on 'Facts and Figures connected with "First Aid," and the Carriage of Sick and Injured Persons.' The author said the subject had been suggested to him by a large employer of labour—a gentleman employing some three thousand men. He would not have presumed to address the Congress had he not thought he had some right to do so. He based his claim on upwards of thirty years' experience of the work, especially in the mining and manufacturing districts of the country, and also in many parts of the world in the army, where he had often to direct the removal of sick and injured men under the most difficult and trying circumstances. The paper opened by relating the mischief which resulted from popular fallacies. A case was given of an accident occurring at a colliery in the county of Durham, in the year 1850—eight men and boys being rendered insensible from poisonous gas in a mine. The doctor on his arrival found all these men with their faces turned down over holes dug in the turf, an opinion prevailing that fresh turf revives the sufferers and expels the noxious gases. Some of these men were already dead, others apparently so. The doctor's attention was at once given to the latter. Plenty of fresh air was given, and artificial respiration resorted to: the good effect of this treatment was evident in about two hours in all the cases. The author then stated that about four years ago he was induced to aid in the work of the St. John Ambulance Association, and this often led him to visit the coal and iron mining districts of the country, and he found the same popular fallacy existing in 1880 as in 1850. Since he had undertaken this work he had done all he could to bring about a correct knowledge of what should be done in these rather frequent accidents, and with the best results. A remarkable case was given of eight men restored, who had been rendered insensible by noxious gas in the hold of a ship. These men were restored by artificial respiration by men belonging to the Ambulance Corps at the Docks of Middlesbrough-on-Tees. These men held certificates of competency from the St. John Ambulance Association. Next cases of dangerous bleeding were narrated, where the ill effects of lack of simple knowledge of 'first aid'

had ended in speedy death; and as a counterpart, instances where working men properly instructed had saved life. Incidentally alluding to some other accidents commonly met with, the author passed on to the second part of his subject—the carriage of sick and injured persons. Here remarkable instances were given of the slovenly and negligent way sufferers from accidents have been moved in past years—a coal cart, a confined cab, a wood waggon being considered all that was necessary. In contrast to this several cases were recited, since the introduction of proper ambulance wheeled litters and stretchers by such agency as the St. John Ambulance Association, of the skilful and careful way injured and sick persons had been moved to their homes or the hospital by men instructed how to use them. One where a well-known statesman had, this year, been moved all the way from Cannes, in the south of France, to his house in London, without removal from a stretcher of the Furley or Ashford pattern. Another excellent example was also quoted, where six men were carefully moved after a railway accident. The author next said, although he looked upon this work principally in its highest sense as humane and Christian, yet he did not forget that it was intimately associated with our social economy, and through this had also close connection both with the *national health* and the *national wealth*. He illustrated this by a typical case of a skilled artisan with a broken leg, who was so carelessly handled in the first instance that the injury became complicated, throwing the man out of work for sixteen weeks longer than he might have been under judicious 'first aid' treatment and careful removal. He showed clearly not only the money loss to the man and his family, but also to his employer and the productive labour of the community; and then pointed out that the loss of wages to the sufferer meant less food, less clothing, less of the actual necessaries of life for his family, and therefore less *health*. The relationship of this case to the various friendly societies and miners' unions throughout the country was then indicated. Statistics were quoted of the number of accidents in our mining districts and on our railways during the year—as many as one hundred thousand accidents occurring in mining in this country in one year. These statistics were compared with the wounded in war, and a startling fact was recorded, viz., that four times as many persons were injured on our railways and on their premises in *one* year as in the recent South African and Afghan campaigns, which extended over a period of some three years.

The author, in conclusion, said that although he looked on this question as affecting every one—prince, peer, and peasant alike—for all were subject to accident, yet largely and in the main he considered it a working man's question. He ventured to assert that ambulance work would largely promote kindly, good, and reciprocal feeling amongst all classes, especially employers and their workmen; and he therefore asked every one who had time and opportunity to assist in extending it; in short he claims for it *national recognition.*

ECONOMY AND TRADE.

ENFRANCHISEMENT OF LEASEHOLDS.

Would it be advantageous to give to Leaseholders Powers entitling them to the Purchase of the Fee Simple of the Lands and Premises they occupy, or otherwise to interfere by Law with the prevailing System of Building and other long Leases? By JOHN T. EMMETT.

I AM bidden to discourse to you upon the question whether it 'would be advantageous to give to leaseholders powers entitling them to purchase the fee simple of the lands and premises they occupy, or otherwise to interfere by law with the prevailing system of building and other long leases?' As this question is submitted to the Section of Economy and Trade, and not to that of Law, it will perhaps be well to make the answer one especially appropriate to this particular department of the National Association for the Promotion of Social Science. To this end I would anticipate the question by another, logically antecedent: Is it better that the population should be domiciled in houses of their own, or be the temporary occupants of houses that belong to other people?

For the present I will put aside, as suited rather for your legal than your economic section, the peculiar cases of injustice and of hardship that occur from the refusal of proprietors to sell their land in fee; and, generally, from the strange contrivances and methods of the leasehold system. Leaving, therefore, this department of the question to a future opportunity, I desire to make before you such a statement of the incidents and circumstances of the leasehold system as will enable those who favour me with their attention to discern and thoroughly to understand the immoral tendency of leaseholds; and to see how bad is their effect upon the social character and general condition of the people. Thus carefully informed, you may judge

rightly whether it 'would be advantageous to interfere by law with the prevailing system of building and other long leases.'

Social Science must be founded on the healthy instincts and propensities of men; and the first instinct on which civilised society is formed, claims for each household the exclusive and complete possession of the domesticities of home. The family, a unit in relation to the world, endowed with food and furniture and clothing, need a place of residence and store; ~~a local~~ habitation. And to insure that this domestic habitation shall be kept and dressed, upheld and cultivated with due sympathy and care, the home of man and wife and family must be entirely their own. But in so far as their possession of the domicile is partial, temporary, or in any manner incomplete, by so much, generally speaking, will the interest of the family in their *domus* be diminished; and society will consequently suffer.

Of those now before me, some at least may come from happy regions where the leasehold system is unknown. I beg them therefore to withhold expressions of amazement while I very briefly quote to them the course of leasehold business.

A proprietor of land exhibits on his fields a notice that 'This Freehold Land is to be Let on Building Leases,' the word 'Freehold' being always prominently introduced, because it sounds attractive and exceptional; for the public know how grievous leaseholds are. In time a speculating builder takes a plot of land, for twenty houses, for a ninety-nine years' term. Two legal documents are executed, at the cost of the lessee, by which he binds himself to build the houses at an outlay of twelve thousand pounds. And when the work has made some progress, then there will, again, be forty other deeds, the leases and their counterparts, two for each separate house, by which additional expenditure the tenant promises to pay the annual ground rent of nine pounds per house, to uphold the building, and to keep it in repair and well insured; with other detailed covenants, and the proviso that, in ninety-nine years (in many cases seventy) from the date of the agreement, all the property, in land and buildings, shall revert, in absolute possession, to the freeholder or his assigns. It would be 'advantageous' to abolish all these documents by law.

Perhaps as a contrivance for inducing wretched building work, and miserable houses for the population, no more clever and efficient system could have been invented. As the ground rent is allotted in proportion to the width of

frontage, houses are made narrow, and the rooms are consequently inconvenient; and as the houses are all built to sell, and not to wear, they are made showy, and the work is bad. The property is offered to the public at the cost, perhaps, of the material and labour; and the builder, if he can contrive to sell the houses ere their manifold defects become too obvious, will be satisfied with an increase of possibly one-half on the original ground rental. That will be his profit; and it is secured by forty other deeds, with corresponding costs and charges.

Leaseholds are a modern custom, and about coeval with the national funded debt. It has been gravely urged that such a debt is in the nature of a blessing to the nation; and perhaps there may be some who similarly find in leasehold tenure something 'advantageous' to society.

During the last century and a half this tenure has become, in the metropolis and other rapidly increasing neighbourhoods, the usual system. Noblemen and others, the proprietors of land adjacent to large towns, were told by their solicitors that if they let their land for building on long leases, their succeeding families would have, within a century, possession of the whole of the investments made upon the land, to five, or possibly ten times, the value of the land itself; while during all the term the annual ground rent would be a continual foretaste of the good that would eventually come. Then how much better it would be to let the land for building than to sell it, and forego so great a profit to their children's children. The advice was no doubt given in good faith; and possibly there may not be ten members of the present company, for instance, who would think the counsel in the least unwise, as 'stewards' wisdom' goes. The land was let on lease.

Phenomena invite consideration; therefore when, without due labour given, one transaction, not exclusive but quite general, brings, however late, a tenfold net return, the reason why should be discovered. But proprietors of land a hundred years ago, and since, have not been well instructed or discerning; they have failed to study Inwood's tables, and to learn the wonderful effects of compound interest. If the landlord had inquired of his shrewd lessee he would have found that the amount of ground rent he received had little reference to the much paraded 'freehold' quality and value of his land. The notice board said 'Freehold Land to Let,' but when it *was* let it was only leasehold; and the value of the land, including the reversion,

was reduced, by the complexities and costs and apprehensions incident to leasehold law, some twenty-five per cent., say forty-five pounds sterling, on the one hundred and eighty pounds of annual rent. In ninety-nine years' time the houses would be old, old-fashioned, out of date; worth, on an average, six thousand pounds, the half of what they cost; and this is all deferred. The forty-five pounds extra annual income, that the sale would have obtained, would have been present, year by year; and this, at compound interest at five per cent., would at the end of ninety-nine years' term amount to, not six thousand, but one hundred and twelve thousand pounds; eighteen times the amount of the old property reversion. Or if this extra income were accumulated and employed in trade, at only ten per cent. net annual profit, it would, at the end of ninety-nine years, amount to upwards of seven millions sterling.

The system, therefore, is comparatively ruinous to territorial families. Their property has been bewitched by schemes of law for getting in excess; and so they sink, in some way that alarms them, but which they evidently fail to understand, below the economic level of their unendowed contemporaries of the commercial world. True there are certain families in prominent positions who are said to have accumulated wealth in ground rents: but these families are prominent because they are so few. Moreover it is said that even in these favoured circles there is a peculiar lack of ready cash; there seems to be no superfluity of wealth from all their ground rents. And whatever wealth there is, is mainly with the leading members of these families; whereas if land had been regarded as a raw material of commerce, and had been supplied, like coals, a product of the land, to those who needed it, the sale would have sufficed to enrich not merely the chief stem, but all the extending junior branches of these territorial houses.

To any who investigate the matter it is evident that the commercial progress of the nation far outstrips the mere reversionary benefit from leaseholds, and that families that moor themselves so firmly at so low a level in this world of trade, must certainly be overwhelmed by the increasing flood of wealth. People who bury their talent in the earth can hardly hope to gain like those who go to the exchangers; and thus land is always failing as a social and political support for aristocracy. For landlords, therefore, it would be distinctly 'advantageous' to release them from their leases, that they yet may have the time and opportunity to

save themselves from their unfortunate position. By the sale of land and ground rents, and the use of the proceeds judiciously in trade, they might regain their former status in the country; and, like mediæval merchant princes, be a power for progress rather than a difficulty in the world.

It is objected that, if leaseholds were enfranchised, residential property would be endangered; and that houses, in Belgravia and Portland Place for instance, might be used for some base purpose to annoy the neighbouring occupants, and even to extort black-mail for the abatement of the nuisance. Here an almost unknown eccentricity is foolishly conceived, and then fantastically quoted as a common possibility. But freehold house proprietors do no such things with such intent; it would not pay. A householder in fee would, as a full and permanent proprietor, and as a man of business, keep his house in good condition, suitable to its respectable surroundings, and so at its full value; rather than depreciate his property and vex his neighbours in the hope, extremely speculative, of gathering black-mail. The idea, however, associates well with leasehold tenure, where the lessee has a partial, temporary interest only in the property. It would, no doubt, be 'advantageous' to withdraw these lessees from temptation.

Again, it has been said that large proprietors are beneficial, since their influence tends to the security of their lessees; these landlords being, from their prominence, amenable to popular opinion, and thus forced to action. But opinion, to be cogent, must be conversant about discovered facts; and, for the present, it is hardly clear that landlords can prevent much evil that occurs on their extensive leaseholds. Certainly the Duke of Bedford has not made a paradise of Covent Garden; and the Marquis of Northampton has not been an obstacle to many a slum in Clerkenwell. And if the noblemen, trustees, commissioners, and others who are great proprietors in western London can prevent a noxious trade, but are unable to prevent the houses of ill-fame that so abound on their estates, it seems that these great landlords are themselves a nuisance rather than a benefit to the community. If they are able to prevent this obvious disgrace, they must be morally to blame; if they are impotent, they are mere obstructives, a great social evil, quite within the purview and remark of this Association; and their abolition would be 'advantageous.'

So far from the accumulation of ground rents in a few

hands being a public benefit, it must, as a rule, be a public injury; for in proportion to its wide extension, it diminishes the human interest and intellect that in the case of separate freeholds would be generously employed in the fulfilment of proprietary duties. The proprietors of land are not at all superior to others in acquaintance with domestic needs; indeed for six months lately they have been endeavouring to learn from leaseholders and tenants something of the actual condition and requirements of the houses of the poor. Most obviously, the accumulation of ground rents is not made with any view to the assumption and performance of proprietary duties, but expressly that great incomes may be made with but a minimum of care and duty for the freeholder; and the high price of freehold ground rents is a measure of this recognised exemption. Thus the question is entirely one of interest, and not of duty; and if the estates in London were inquired into, it would soon be found that where it is the landlord's interest to permit a nuisance in a neighbourhood, so far from duty being recognised, his agents have but little scruple in according the permission. On the estate of a distinguished Corporation, at the corner of a row of houses rented up to a hundred and twenty pounds a year, a leaseholder has been allowed to build mean shops, that may appropriately become fried fish or rag and bottle stores. The leaseholders of the adjoining houses have no power to prevent the injury; the leases bind the tenants only, not the freeholder; and lessees have no right, except in common law, against adjoining occupiers on the same estate. The leasehold system is in fact a bondage, and a means of injury; a danger rather than a method of protection. Leaseholders are so restrained by covenants, that when a neighbouring injury is sanctioned by the freeholder they have no power to modify their property to meet their altered circumstances. They must get permission from the landlord, and for this they have to pay consideration money, and the lawyer's and surveyor's fees. In agriculture the protective system has long since expired; and there is freedom for the people's food. The same pernicious system must, by law, be also banished from house tenure; and each man must be secure though unprotected in his freehold home.

But if the leasehold system is indeed a general protector, why should the leases end? and why allow the freeholder to sell his interest, in bulk or in detail? The Queen would hardly be allowed to sell the British nation. There should evidently be no possible reversions; leases should, of course,

be permanent, that due protection may be constantly secured. It is, moreover, strange that this effect and value of the leasehold system has so long been overlooked by smaller freeholders. If they were well advised, they would surrender all their titles to some overlord; who, in consideration of an annual rent, and future forfeiture, should undertake to be the patron of disfranchised, impotent proprietors. How was it that this plan was not proposed when leaseholds were discussed in Parliament? It would seem to be so obviously 'advantageous.'

Again, it is objected to the enfranchisement of leaseholds, that the tenure is not shown to be the cause of all the evils of house property; or, more particularly, of the houses of the poor. Precisely so; no folly such as this all-comprehensive demonstration is attempted. But it has been shown that leasehold tenure has no care for the convenient, comfortable housing of the people; that it, almost wholly, is a scheme for manufacturing delusive and ridiculous 'securities,' to the great injury of those who are supposed to benefit by them; and that wherever this bad system is established, there bad building, and the ill condition of the people, are peculiarly manifest. Suburban London, Devonport, and Sheffield make a sorry show compared with districts where a freehold tenure is the rule. Of course there are inferior buildings and bad homes, as a defect, on freehold tenure; but these accidents are the exception to the obvious rule, and only strengthen the demand that leaseholds shall not add their special and inevitable sorrows to the troubled homes and houses of the population. There is misery and filth enough in Scottish wynds and closes, on a feu or freehold tenure; but these lofty buildings are arranged in flats, and let in tenements like leasehold houses. Each is a tenement on sufferance, held of a superior proprietor; and so the people are again uneducated and deficient in domestic culture. These tall piles of squalid lodgments differ from the low-built leaseholds around London only in their mode of severance. In Scotland this is horizontal, and in London it is vertical. The want of freehold interest, and the consequent neglect and ill condition, is in each case the distinct result; and so enfranchisement would be most clearly 'advantageous.'

In many a foreign town, and in some districts nearer home, the lower population never have been civilised. They are, though physically settled, nomads in spirit, lodgers in barracks or in solid tents; not freeholding cultivators, but lackland destructives; filthy, without dignity or hope; in

fact, the perfect pattern of the class that leaseholds tend so quickly to produce. Those only who have had, say half a century's experience of leasehold occupants, can know or even understand how great has been the degradation of the sufferers from leasehold tenure in their household character and mode of life. But half a century ago the system was not thoroughly matured; long occupation leases, as distinct from building leases, were the custom; and the tenant, coming into a mere shell, had to complete the house, with fittings, fixtures, paint, and stencilling; to uphold the fabric; and to insure, and keep the property in absolute repair. The house was thus for twenty years a member, always present, of the family; and week by week, and year by year, it was made scrupulously clean. This was a survival of the freehold spirit; but now all is changed. The leasehold building, hired for a three years', or a twelve months', or a five weeks' term, is treated almost as an enemy; despised, neglected, seldom even partly cleaned, by those who occupy it. And, though the more public rooms are showy in their sordid way, the house is generally ill kept; and dirt apparently is not disgraceful. This description may to many occupants of leasehold houses seem severe; but then these most unhappy sufferers from the leasehold system probably have never yet experienced or witnessed thorough household cleanliness; and consequently they must fail to recognise the general state of squalor in which tenants often live. They never had the love and reverence for their temporary, hired, accidental domicile, that would suggest laborious domestic work to dress and keep it; and their servants, where they have them, imitate the negligence of their employers.

The maintaining power in all things social is immediate self-interest. And so one overlord of some two thousand ground rents is, as a moral, social influence, but a two-thousandth part of that which the two thousand tenants, made free house proprietors, would exercise. These tenants, now, are unintelligent, by reason of their severance from solid interest in their homes; but were they freeholders, with education such as is becoming general throughout the country, they would soon be house-proud, and domestically civilised. Their care for home would be supreme, and money would be spent in permanent improvement of the domicile, instead of being wasted on the vain, competitive, and fleeting fashions of the day.

But some object that by enfranchisement the leasehold house proprietors alone would be released; and not the

general public. Probably a large proportion of house property in leasehold districts is in the possession of unhappy mortgagees, and of investing and non-resident proprietors. But this is due to the peculiar operation of the system. Mortgagees and others would most gladly sell the houses separately; but the public, though they wish to buy their homes, decline in this transaction to include the purchase of a noxious, irritating business, such as leasehold property entails. A man of sense requires undisturbed and absolute possession of his home, and also that the property should be transferred with little cost or trouble. Leaseholds, therefore, never can be popular as home investments. But when they are by law enfranchised, transfers are made cheap, and titles are all registered, the purchasers of houses will increase in number every day. Of course the distribution must be gradual. When large masses have to be divided without undue force the earlier separations are in smaller masses, which continue to diminish as the work proceeds. And so house property will be distributed at an increasing rate as occupiers find and demonstrate the comfort and advantage of a freehold home. House property is not so satisfactory an investment that proprietors will hesitate to sell for any fair consideration. Their misfortune, now, is that they cannot sell, without egregious loss, because of the vexatious inconvenience and the evil character of leasehold tenure. Here enfranchisement by law becomes distinctly 'advantageous' to the general public; they would buy what had been leaseholds, and then mortgage at the rate for freeholds; saving, annually, one per cent.

To those who traverse some of the extensive properties in Western London, it would seem that these large areas of leaseholds are advantageous, since they have such straight, long streets, and spacious garden squares. But these advantages, that under leasehold tenure are so limited to large estates, would, if freeholds were the rule and universal, be extended throughout the metropolis, and boulevards and public squares and playgrounds might be hoped for. It is small estates, the great majority, that so prevent extensive and well-ordered plans. The grievous want in London is municipal united power and corporate action; and the only firm foundation for such power is the wholesome interest of the people in the houses they reside in. While they are mere tenants, having no estate, they will of course refuse to undertake or to permit extensive, permanent improvements. For themselves, the people would do absolutely nothing. They have

not provided water, gas, police, or sewers; everything that has been done to civilise the great metropolis is done for the inhabitants by private companies, or has been imposed upon them by the legislature. The great aim of parish vestries has been to obtain the patronage of public works, and then to obstruct them, or to limit their extent, to save the rates. The method is to do quite inefficiently some necessary work, and then to quote this inefficiency as if the work had been effectually and completely done. A visitor—from Germany, for instance—is disgusted at the slovenly condition of the streets. The answer is that once a week they have been swept; as if this kept them clean. The waste of this is marvellous; the rates are spent for 'sweeping'; they might just as well be spent in brooms. But to the leasehold mind efficiency is not an object for which rates are to be paid; the vestries and the three years' tenants only want some show of work that will enable them to evade the payment of sufficient rates to make these rates worth paying. Were the houses freehold homes, each occupant would have an interest in permanent improvements; he would know and feel that such improvements must increase the value of his property; and, should he remove and sell his house, the benefit would be acknowledged in the price. But tenants feel no interest in schemes of permanent improvement, which take years perhaps before the benefit accrues; though they are called upon to pay for them immediately, in advance. They hope, indeed, to get away from London, or from that peculiar part of it that they endure; why, therefore, should they advocate great schemes of outlay from which they have no desire or likelihood to get the benefit?

Of course the earliest duty of municipal authority is to lay out and level all the necessary leading thoroughfares within its jurisdiction. Freehold residents could by direct opinion cause these works to be habitually undertaken and well carried out; but tenants under leaseholds are a feeble folk; they are intelligent, but destitute of will, and their opinions, when they have them, have no force. And so it is that though in Portland Place, and Baker Street, and Belgrave Square we have breadth, length, and spaciousness exemplified in leasehold properties of large extent, there is throughout the whole of modern London a remarkable neglect and want of great continuous roads. Each small 'estate,' a field or two perhaps, is laid out nicely to make building frontages; but thoroughfares are wanting. In the north of London, for a population larger than most conti-

nental capitals, there is not one continuous thoroughfare from east to west. The extremely valuable properties near Hyde Park Corner, north and south of Piccadilly, have been for a century separated from each other, rather than connected, by the defile of Park Lane; and recently there has been much ado about the work, which should have been a matter quite of course, and long since economically undertaken, for effecting some less dangerous communication between Grosvenor and Belgrave Squares. But throughout London there are similar obstructions at the boundaries of the several 'estates;' and these obstructions are increasing constantly in number year by year. Again it therefore would be 'advantageous' to enfranchise leaseholds, so that Londoners may even move about in their metropolis.

A London builder would be both amazed and mortified to see how admirably built, and finely finished, in material and workmanship, are the recently built houses in both Edinburgh and Glasgow. The reason for this excellence is that in Scotland they have feus in permanence, with a fixed rent, but no reversion; and they consequently build for permanence and for convenience. But as the landlord stipulates that, with slight exceptions, all the houses in a street shall be of one peculiar elevation, the result is the extensive, overwhelming ghastliness of the more modern streets in the great northern cities. There, the protective land proprietor is seen in his full obvious maleficence. The art of architecture is completely lost, extinct and hopeless; and, as the private buildings can supply no school for a vernacular imaginative art, the public buildings are a wonder of absurdity, and incapacity, and barbarism. This distressing exhibition constantly extends; and, doubly marvellous, becomes more hideously inhuman year by year. The architectural details along Princes Street are, with few exceptions, not to be admired; yet, since most of the new houses are now practically freehold, they have been designed with picturesque variety. But if the visitor at Edinburgh extends his walk into the district north of, or, particularly, west of Princes Street, he will discover what protection does for architectural design. In Princes Street the Municipality laid out the general plan, and the proprietors can use the buildings as they choose; in other parts of the New Town, the owners of the land have stamped the elevations with mechanical monotony. And thus, for architectural art, enfranchisement would be most obviously 'advantageous.'

But are not leaseholds of advantage as a cheap supply of

houses for the abundant population? After all that has been said, this seems a question needing no direct reply. To recapitulate, however, the chief elements of cheapness: there were fourfold law costs to begin with; then came underleases, agencies, agreements, mortgage deeds, and second charges, stamps, and heavy fees; all incidental to the system as distinct from what is now proposed; the tradesmen's large additional percentage for their extra risks with speculating builders; a percentage rising in some trades to seven and nine shillings in the pound; the loss of rent, for half the houses built in London are unlet for many months, and property worth millions sterling is continually left unfinished; the bad, costly work, for speculating builders, mostly impecunious, get the refuse only of material in the market, and obtain but sorry workmen. Probably the builder is himself engaged in his sad trade because he has not the ability for work; and, having constant care from week to week to get the money for his bills and wages, he has little time for supervision and direction, and the work goes muddling on. The drains are thrown into the trenches, but connections are not made; few joints are closed, and as there is no proper ventilation of the drains, the house itself becomes the emissary of the sewer gas; the brickwork is left hollow, so that party walls are sound conductors, and the external walls are reeking reservoirs; partitions have no broad or deep foundations, so the floors get out of level, and the ceilings and partitions crack; the joiners' work and floor boards shrink; the window sashes rattle and get fixed; the ironwork at once gets out of order; the roof leaks; the chimneys smoke; the paint, one coat of whitening and one of oil, soon vanishes; and the house in three years' time, or less, needs an expenditure of thirty-three per cent. upon its cost to make it habitable for well-conditioned people of whatever rank. But then, alas! the people are so often far from well conditioned; they are bred on leaseholds, and they take their miserable, tawdry domiciles for something 'elegant.' The houses and the tenants are of course well matched; appropriate productions of the leasehold system; which again it would be vastly 'advantageous' to exterminate by law.

But these, it may be said, are general remarks, and need support from evidence. To take an instance from the class that is just now receiving much attention. Twenty years ago a house proprietor became possessed of several groups of workmen's houses; all in a sorry, leasehold plight, that need

not be described. For several years he spent the entire rental on the property. The roofs and drains and woodwork were repaired; brickwork partitions took the place of the dilapidated lath-and-plaster; sinks and coppers were removed outside, and covered in; narrow bedrooms were extended, and partitions were removed to enlarge the sitting-rooms; a ventilator was supplied on every stair, and nothing was neglected that would make the houses healthy and convenient. The tenants were well pleased and very comfortable; but this was all; they were not 'raised,' and worthy of the altered domicile. They were as negligent and helpless, frequently as dirty and as imbecile, as ever. They had been merely cared for; they had no responsibility or duty, and they consequently had no motive, and no mental power to protect themselves. Children threw stones, and smashed the slates, and filled the gutters; and thus ceilings and papering and plasterers' work again were spoiled. Balls thrown upon the roof were floated to the water pipes, and neatly 'corked' them; and the wall from roof to ground was saturated. Why then do the tenants tolerate the mischief? They might drive the boys away, appeal to the police, and even get the balls extracted from the water pipes. A very rational suggestion. But these people are not rational; they are bred, without responsibility, on leasehold tenure; and they suffer loss of intellect. Their reason, from sheer want of use, has lost its energy. 'It is the landlord's business' is their constant formula; and they endanger health and life, and make the houses costly to themselves—for damage means high rents—from sheer debility of mind, and selfish *laissez-faire*. A woman will allow a flood of water on a wall for weeks, although a pin would stop it; but it is 'the landlord's business.' Door-sills and hearths are used as blocks for chopping wood; the joiners' work is used for 'kindlers'; ventilators are blocked up; the rooms again are subdivided that they may be underlet; coal bunkers, one for each family, provided in the yard, are used as rabbit hutches and hen coops, the coals returning to the cupboards in the rooms; and worse, much worse, remains untold.

The cause of all this evil, this destructive barbarism, is the universal want of interest of the people in their homes. For generation after generation this degrading apathy has grown, until an almost oriental fatalism has affected the domestic character of Londoners. From many of the railway viaducts in the metropolis a survey may be had of the back courts or gardens, and the small outbuildings of the houses. These, and not the show in front, are the true index of

the state of the interiors; a state of dirt, dilapidation, and disorder. Such a general condition must of course be due to a pervading evil custom that degrades our otherwise intelligent and well-taught people; and the cure, to be efficient, promptly advantageous, and pervading, must be by the act of legislature and the rule of law, providing equitable opportunity for absolute possession by the people of their homes. Both Liberals and Tories have provided ample precedents for such wise legislation.

These precedents, indeed, were only following the ancient English customs; since the full possession of their homesteads was the earliest characteristic of the nation. 'If we compare the local names in England with those on the Continent, we shall find that for more than a thousand years England has been distinctively and pre-eminently the land of inclosures. The suffixes, *ton*, *worth*, &c., which occur most frequently in Anglo-Saxon names, denote an inclosure of some kind—something hedged, walled in, or protected. An examination of these names shows us that the love of privacy, and the seclusiveness of character which is so often laid to the charge of Englishmen, prevailed in full force among the races which imposed names upon our English villages; and proves also how intensely the nation was imbued with the principle of the sacred nature of property, and how eager every man was to possess some spot which he could call his own, and guard from the intrusion of every other man. The feeling seems indeed to have been more or less enchorial, for we find strong indications of it even in the pure Celtic names of Britain. Then, the suffix *hăm*, which is very frequent in English names, signifies an inclosure, that which hems in—a meaning not very different from that of *ton* or *worth*. These words express the feeling of reverence for private right, but *hăm* involves a notion more mystical, more holy. It expresses the sanctity of the family bond; it is the HOME, the one secret (*geheim*) and sacred place, united with the names of families—never with those of individuals. It may indeed be said, without exaggeration, that the universal prevalence throughout England of names containing this word HOME, gives us the clue to the real strength of the national character of the Anglo-Saxons. It has been well observed that it was this supreme reverence for the sanctities of domestic life which gave to the Teutonic nations the power of breathing a new life into the dead bones of Roman civilisation.'—'*Words and Places*,' *by the Rev. Isaac Taylor.*

Such then, with exclusive, sacred, freehold domiciles, has

been our national, hereditary character and power. Now let us change the view, and see ourselves as others see us, suffering and degraded under leasehold tenure. 'The great thing that you need in London is homes. Homes! there, that is your great lack. The great mass of your population is homeless. What you want to do is to give them a stake in the country. Let them feel that they have a fixed home out of which they cannot be turned by any one. At present your poor people shift aimlessly from place to place. A man may be in a room to-day, and out of it to-morrow. There is no sense of permanence of ownership such as we have in America, where nearly every man owns his own house and has his own bit of land. There are more people who live from hand to mouth in England than in America, and I sometimes wonder how you would pull through in the event of a prolonged period of depression. The home was founded before the church, and you in England stand more in need of homes than you do of churches. There are no homes in the world so well found and so beautiful as English homes; but, on the other hand, the extremes meet, and there are none so destitute and squalid, or lacking in all that makes home home-like, as the homes of many, many thousands of your countrymen. In America the sense of ownership is a great stimulus to the development of manhood; and I think our institutions also contribute to sharpen the intelligence of the working man. He has a vote, and so he reads the papers to see which side he should vote upon, and the result is that, on the whole, I think our working classes are more intelligent than yours. But the great thing that you are behind in is, after all, *the home*.'—*D. L. Moody*, 1884.

But the homeless men of London have, themselves, no corporate power for common action. Never, throughout English history, were there known four millions of the race so wanting in the spirit for municipal self-government as are the residents on London leaseholds at the present day. The agitation for a comprehensive Corporation does not interest into activity a thousandth part of those who live in the metropolis. The agitators, men to be highly praised, have mostly come to London, and are not mere Londoners, of leasehold origin. The Bill is much more popular in Parliament than in the parish vestries, which are supposed to represent the small proportion of the tenants who can be induced to vote. Its chief aim seems to be to check the great and long-continuous demand of the metropolis on the time and labour of the Legislature. In the present City the enormous wealth to be

administered, with the associated easy opportunity of public prominence, if not of laudable distinction, are the chief inducements to municipal exertion. But in the suburban districts, which have no accumulated corporate wealth, the inhabitants have none of this peculiar, civic motive; and until they are enfranchised, settled on the land, no Act of Parliament will make of them a valid Corporation, with the mind and will to govern and to work. To supplement the coming Corporation Act, and to supply an active and intelligent constituency, the enfranchisement of leaseholds will be essential, and again most evidently 'advantageous.'

It has been said that no houses can be worse than those that working people have erected for themselves. The question now before us is not general, but quite specific; it is not whether evil building can be found in other circumstances, but expressly whether, by the leasehold system, it is aggravated and extended. One chief evil of the system is that it withdraws the practice of house-building, with which all men should be conversant, from general public knowledge and familiarity. To every man of sense his house should be an object of peculiar interest, since it has continual influence on his health and comfort, on his personal and family and social life; and were his house a freehold, he would have, as we have seen, the greatest natural inducement to make its good condition and improvement his habitual care. But leaseholds have no healthy influence like this; and thus, concerning the ubiquitous and constant science of house-building, almost all society is ignorant. The subject is, though tacitly, admitted to be 'low'; and people who are nice affect to disregard it. And no wonder. They can see how sordid all the buildings are by which they are surrounded; and, although they have not cared to understand the reason why, they naturally shun all contact with such paltry manufacture. In old time, when leaseholds were unknown, there was no popular contempt of building work. The Abbey Church at Westminster was built by handicraftsmen, up to the highest master of the work; but history makes no special mention of these men. They were a common part of the community, the working class; and that great choir, and many a medieval church, show how the working classes built on freeholds. Opposite the Abbey are two streets, of royal nomenclature; they are built on leaseholds, and are called 'Victoria' and 'Great George.' Each for its time has been the seat of wealth and of superior society; and, though there has been much advanced refinement in the last

six hundred years, yet compared with the adjoining Abbey Church, the work of common artisans, there is some want of dignity and value in these modern, fashionable, leasehold buildings.

If we find so great a decadence in the most wealthy quarter of the town, it cannot be surprising that the houses built for poor men by the poor are now inferior. The leasehold system, everywhere extending, influences all building work; and though, by help of modern science and mechanical appliances, much work can be more cheaply done, and many novelties of value have been introduced, yet building work is, by concurrent testimony of the workmen, constantly becoming worse on leasehold tenure. There is no peculiar class of freehold workmen, as distinct from those who have been all their lives debased by leasehold speculation; and the working builders are now spreading everywhere the evil influences of the tenure that their landlords and superiors have so foolishly devised.

The working classes are, however, the most constant sufferers from leaseholds. Rich men can afford to pay sufficient ground rent to obtain wide frontages, and house rent is with them a small comparative proportion of their income. But the poor are all domestically hide-bound by the leasehold system. Everywhere their houses are unfit for human habitation. When the working classes used to build their houses for themselves, though sanitary science, as in houses built for their superiors, was sadly outraged, they at least had 'rooms,' a word denoting spaciousness. But now, since leasehold builders must cram in as many tenements as possible within a given frontage, there can be, in poor men's houses, no domestic rooms, but only cupboards, a survival of the medieval 'little-ease.' Such places of confinement it is quite impossible for men to live in; and in fact they quit them and get rooms and 'social science' at the public-house. For the whole class of working people, tenants on the leasehold system, the desired enfranchisement would therefore be particularly 'advantageous.'

What I propose is not in any sense an act of confiscation, but distinctly a release for all who are involved, as lessors or lessees, in leasehold toils. In sound commerce benefit accrues to each negotiator; but in leaseholds every one is injured; land itself becomes depreciated, and the people of all ranks become insensibly, and therefore to intelligent observers shockingly, debilitated by the influence of the tenure. Still, it is objected that enfranchisement by law is

interference with the freedom of commercial contracts. But these leasehold contracts are, as I have shown, particularly uncommercial; a co-partnership in suffering, not a beneficial correspondency in trade. I would maintain, efficiently, all freehold rights, by multiplying freeholders. But rights in land are founded on the law; and by the law they may, for consideration given, be beneficently modified. It is the dull and absolute objection to occasional and natural surrender of these rights that leads to suffering and wrong; and here sound legislation is required to intervene. The issue lies between abstract injustice, which may be, with sufficiency, compounded, and great public injury, which can only be relieved by such wise legislation as admits extremely right to be at times extremely wrong; and yet again acknowledges the right of perfect compensation. A chief use of legislation is to rectify obnoxious customs; and as leasehold tenure is the most injurious territorial custom of our time, affecting an increasing, vast proportion of the population, who have neither opportunity nor power to obtain relief, it evidently warrants legislative interference.

It results, then, that for all especially concerned; for the freehold lessor, the proprietor on lease, and his sub-tenants; for the development of wise municipal and corporate energy, of individual character, and of building art; and for the permanent improvement of the home condition of the poor, the enfranchisement of leaseholds would be manifestly 'advantageous.' For the freeholders of land, our great philosopher's advice to take 'short views' is worth attention. They might do good business, and repeat it ninety times within their ninety-nine years' term; and in their prayer for 'daily bread' is much more homely wisdom than in building leases, even with centennial reversions. For the leaseholder, a system in antagonism to all principles of monetary prudence, an inversion of our customary life assurance, must be most unwise. But for the English people this great question may, in no long time, become, not merely one of private, or of social, or of mere municipal advantage; it may involve the question of our independent national existence. If it is admitted that the people all require protection in their leasehold houses—'castles,' as they are so confidently called—what must, in time, become the national condition of so abject a community? If a man requires so much protection from his neighbours, he is hardly fit to combat enemies when they are at the door. Leaseholders, and twelvemonth occupants, and lodgers, are not a secure foundation for the power of

England; since such people must have greatly lost their own stability of character. When Cromwell undertook to beat the cavaliers he sought for gentlemen, for men who had responsibilities; and if the status of our nation is to be maintained before the world, its people must be gentlemen; not plutocrats, but men, in all ranks, of responsibility, and of established interest in the land.

The territorial aristocracy, in former times, had valid reasons for acquiring property in land; and though, as we have seen, its strict retention was unwise, possession of the land became for them a means of family advancement in the world of politics; by means of which great landed families, who were in Parliament the masters of the State, could well provide for many of their class in government appointments. This peculiar custom is becoming obsolete; and what with middle-class advancement, 'competition wallahs,' and the fallacy of leasehold ground-rents and reversions, junior members of the aristocracy have fallen on an evil time.

For upwards of twelve years I have endeavoured, with well-founded perseverance, but until quite recently with no apparent help, to bring this subject forward into public view, to re-arouse the sleeping conscience, and to raise again the utterly dejected spirit of the leasehold world. I have besought the land proprietors of England, in their own interest, as well as for the general good, in which they have so large a share, to recognise and seek to understand this urgent question. As I have shown, they are the first, immediate victims of the leasehold system; and in this, though quite unwittingly, the cause of grievous suffering to the whole community. When, therefore, in due time, they shall have studied their position, and have come to understand how false and how injurious it is, they will with business-like benevolence, as English gentlemen, resolve to rectify it; and will even sympathetically press upon their long-enduring leasehold tenants prompt and generous enfranchisement, with corresponding dignity of life. 'I pray thee buy my land; for the right of inheritance is thine, and the redemption is thine. Buy it for thyself.'

On the Same.

By J. S. Rubinstein, Solicitor of the Supreme Court.

TO the legislator of our times the pressing problems are the social problems; and foremost amongst them, in this country at least, are the problems connected with land. More and more the State is now resuming the control of the land it foolishly let slip from its grasp in ages of improvidence and misgovernment. The necessity for State interference may be deplored; it can scarcely be denied. The only practical questions are where and how far the State is to step in: and nowhere, perhaps, can the State more effectually step in than in the case of leasehold property. The enfranchisement of copyholds was the achievement of the last generation. The enfranchisement of leaseholds seems destined to be the achievement of this.

As to the evils of the present system there is, and there can be, no dispute. The late Master of the Rolls, Sir George Jessel, once said that if lessors were to enforce their rights to the full extent allowed them by law, leases would not exist in this country for six months. The truth of this all lawyers know. Something, no doubt, has been done by recent legislation to improve the position of leaseholders; relief against forfeiture, for instance, is given far more readily than before: but the inherent evils remain. The occupying owner is still but a precarious tenant, and, worse, a tenant whose interest in the property with which he alone can deal is steadily lessening. The lessor cannot even enter for any purpose not allowed by the lease without a trespass; the actual occupant and owner is so but for a time, and while he has every motive to patch up, he has no motive to improve his property, still less to add to it or recreate it. For to him it has no future.

The injustice such a tenure works to individuals is manifold. It is easy to say that the lessee becomes a lessee with his eyes open, that no one is obliged to take land or house on lease. But in most cases this is not true in any fair sense of the words. The choice is not unrestricted. In our large towns it is almost an impossibility to obtain a house fit for the lessee's purposes except upon lease; and until the recent depression in agriculture how many farms in England could practically be obtained except upon lease, or, worse, from

year to year? The landlords are masters of the situation; you must take on their terms, or go without. The fact that their terms are agreed to is the strongest proof of the utter helplessness of the public in the matter.

The lessee, however long his term, must beware of the error of believing that so long as he pays the ground rent he can do what he likes with the property. He cannot improve it by additions without his landlord's consent. He may find unreasonable and antiquated covenants framed to meet surroundings and circumstances long since passed away still hamper him at every turn; provisions, for example, that the house is to be kept as a private dwelling-house only, when beside and around him the houses have been converted into shops, and the house as a private dwelling-house is now altogether unsuitable; provisions he might, perhaps, disregard, but only at the risk of litigation. Every alteration or improvement again made by the lessee goes to benefit a stranger. His capital is sunk in another man's soil. And these very additions and improvements are taken into account to enhance the price demanded by the landlord when the lease runs out and the lessee seeks a renewal. In reclaimed lands especially it is notorious that the lessee's industry and capital have often created the property whose gains go to the landlord.

All these troubles, moreover, are intensified where the lease is granted for lives, not for years. The precariousness of life disconcerts all calculations. Who can put forth his energy, much less his capital, when by the accidents of tomorrow he may find himself deprived of the fruits of both? And the hardship of having to produce the person on whose life continued enjoyment depends, often works grave injustice. The deplorable condition of property held under this tenure is notorious. The law has prohibited lotteries and other provocatives to gambling. Leases for lives are gambling in its worst shape, and are doubly objectionable, because the lessee is not given any option but to take the property on these terms or not at all.

If the evils of leasehold tenure were confined to the individual tenant he might be blamed for his improvidence; a general strike, rather than a change in the law, might be advisable, and it might be harder to prove the necessity for State interference; but the matter is one in which the whole community is interested, for it injuriously affects building. Everybody is interested in repressing the 'jerry' building, the scamped work, the sordid uniformity that disfigure the

spreading outskirts of our towns. The health of the people depends on the sanitary conditions under which they live. If a person neglects proper sanitary precautions in his dwelling he may spread disease among many who in their houses neglect no precaution. The public is deeply interested in having the houses in the first instance properly built, and from time to time properly renewed; but so long as a system prevails that limits strictly the period of ownership, work that is 'scamped' must be expected in the outset, and greater efforts to evade the responsibility for thorough repair will of course be made the more nearly the time approaches for the ownership to cease. Equity itself as administered in our law courts expects an executor to assign onerous leaseholds to a man of straw, and thus sanctions an evasion of law-given rights as being in their actual working iniquitous.

The view that the ground owner should in course of time become entitled to every building upon the ground would seem indeed to be an inverted view of what is right. Surely the man whose energy and capital has built the house and given the ground the value it possesses should, if the matter were governed by principles of abstract justice, become in time the owner of the land upon which it stands.

By the opponents of the enfranchisement of leaseholds, it has been said that if the freeholder were compelled to part with his interest to the leaseholders, a lessee who converted his tenure into freehold would then be free from the restrictions of the lease, and could use the property so as to be a nuisance to the neighbours, and to depreciate the value of adjoining property. But no one would object to provisions that on a building estate the regulations framed for the general benefit and enjoyment of the occupiers should still be binding even after enfranchisement. Similar provisions apply at the present time to nearly all freehold building estates, and the same principle might be made applicable to all houses held on lease. Enlarged powers should, if necessary, be given to the local authorities for the protection of property in their district, and every aggrieved person should have a right to ask the protection of the law against any act of a neighbour selfishly depreciating adjoining property. In places where the leasehold system is unknown, capital cities like Paris and Berlin, such evils do not arise any more than in London, and the danger is far more imaginary than real.

The same answer will apply to the suggestion advanced as an argument against enfranchisement, that speculators

will acquire freeholds for the real purpose of levying blackmail. When it is borne in mind that no one except Mr. George has ever suggested that landlords should be obliged to sell the land except at its proper value, it will be seen that only a bold speculator indeed would acquire land at its value plus the expense of its enfranchisement, with the view of obtaining illicit profit by injuring, or threatening to injure, adjoining property in spite of the protection the law should afford.

Two bills dealing with the question of enfranchisement of leaseholds were introduced into Parliament during the last session, one brought in by Mr. Broadhurst, and the other by Lord Randolph Churchill. The first of these reached a second reading, but was thrown out in a division by 168 votes against 104, a majority of 64. Such a division should greatly encourage all advocates of the change. The measure conferred on every leaseholder whose lease had twenty years still to run a right to enfranchise the value of the landlord's interest at a price to be assessed by the county court judge of the district. The other bill applied to leases originally granted for a term exceeding twenty-one years, and of which term twenty-one years should be unexpired when application to enfranchise should be made. The county court is in it also named as the tribunal to assess the amount to be paid to the landlord, where the annual value does not exceed 50*l.*; above that amount proceedings were to be taken under the Lands Clauses Consolidation Act, 1845. This bill provided for payment to the landlord not only of the ascertained value, but also of the extra ten per cent. usual on a forced sale, and it is limited to property not exceeding five acres in extent. The expense of assessing the value is by both bills thrown on the lessee seeking enfranchisement. But both these measures are inadequate.

There is one class of persons—the occupiers—whose interests are deserving of consideration in any legislation as to leaseholds. A leaseholder is not necessarily, and in fact frequently is not, the occupier; yet no one has a greater interest in the house, or is more sensitive to its defects, than the person that lives in it. It is he who suffers if the house wants repair. Why should not a *bonâ fide* occupier, a person who has lived in a house for say not less than five years, have the right to purchase all superior interests? It must be to the public interest that as many people as possible should own the houses they live in. As to farms of course other considerations come in, but I speak of residential property.

As regards the tribunals by which values are to be assessed, both the county court and juries under the Lands Clauses Consolidation Acts are open to many objections. If an enfranchisement bill became law, the new work created would surely be sufficient to justify the establishment of a special tribunal to deal cheaply and effectively with those particular questions. The Court created by the Irish Land Act, 1880, is an experiment that might well be repeated.

The principle on which the amount to be paid to the landlord should be ascertained would, it is thought, be best settled by provisions to the effect that where the lease had over a certain term to run, then the amount should be ascertained on the rental payable, and the price for the time being of Consols. In other cases the value would have to be the market value, no matter by what machinery ascertained. Elsewhere I have suggested that leases over thirty-five years may be defined as long leases. Perhaps that term might be adopted as determining whether the landlord's interest should be calculated on one principle or the other.

The conclusions, therefore, suggested by this paper are:—

1. That leases for lives, or dependent upon the happening of any uncertain event, should be prohibited by law.
2. That the right to enfranchise leaseholds should be conferred on the holder of every lease for over twenty-one years unexpired, and on every occupier of residential property if in possession for five years continuously, irrespective of the length of the lease.
3. That ultimately every *bonâ fide* occupier should be entitled to acquire all superior interests.
4. That a special tribunal should be created to deal with these enfranchisements.
5. That where a term has over thirty-five years to run, the landlord's interest should be calculated upon the rental and the then price of Consols; but where the term has less than thirty-five years to run, the market value should be ascertained by some process of assessment.

If these suggestions should be carried into effect, a great step would indeed be taken to putting an end to that severance of ownership from occupation so long the reproach of our land laws, and a blot on our social system.

DISCUSSION.

Professor LEONE LEVI, F.S.A., LL.D. (London), said that the question was one of great difficulty. In dealing with the leasehold system the question arose as to whether they proposed to deal with agricultural land or with building land. If the former was intended, they would have to discuss in connection with the question the propriety of extending the principles involved in fixed tenure, free sale, and fair rent. Complaints had been made against the leasehold system, but it should be remembered that after all it was a higher degree of property than yearly tenancy. A person able to get a three, or seven, or even ninety years' lease was much better off than a person who had a yearly tenancy. It was much to be desired that the labouring classes should have a greater interest in the country, for it tended to the better security of the State, and to the greater stability of its institutions. It was objected to that it diminished the sense of proprietorship. He was a leaseholder, with some sixty-four years to run, but he could scarcely call himself the proprietor of his house. So if a farmer saw his lease running out he impoverished the land. Then again the fact that the lease was only given for ninety-nine years or less was an inducement to put less solid material into the construction of houses. Another great inconvenience, although more perhaps in appearance than reality, in the leasehold system was, that it secured an undue interest given to the owner of land in the unearned increment. It seemed unfair that the owner of the land in Highbury, where he lived, should now derive the benefit of the immensely increasing value of land there, and should within a certain number of years be entitled to appropriate all the houses for nothing. On the other hand, it might be replied that all these things were matters of calculation, a leaseholder purchasing for ninety-nine years giving so much less than he would have to give for a freehold. On the whole he thought it would be advantageous to give to leaseholders the right under certain conditions to enfranchise their leaseholds. This was followed by the question, On what conditions, at what time, within what area, and on what terms should their enfranchisement be allowed? He supposed that the writers of the papers would limit their idea; the proposition was limited to the municipal area and not to land generally; therefore they were now speaking of house property within the towns, and not of land in general. Of course the terms of enfranchisement would have to be settled either by arbitration or by a competent tribunal. It was not a question of confiscation that was intended, but one of giving fair value. But should the arbitrator take into account the present value only, or take also into consideration the contingent improvement of the property? These were difficulties which an arbitrator or court would have to contend with, especially in the case of certain properties. It was objected also that one difficulty would be, that in any estate now built over a person having the right to purchase the freehold in the midst of residential property might put up a

factory or public-house, and by this means spoil the entire property. But the court might, of course, compel the purchaser to build the same kind of property. The House of Commons had so far shown its interest in the subject, and shown its willingness to discuss it, by the fact that Mr. Broadhurst's Bill was rejected by 168 to 104. The question was therefore really under discussion, and would doubtless reappear next session.

Mr. William Botly (London) thought that the learned professor must have looked at the so-called difficulties by the aid of a magnifying-glass. From his long experience he (the speaker) could endorse almost every paragraph of the first paper. There was certainly great difficulty attending the purchase of property on several lives. In his own case he had bought a property in the year 1839 on three lives. Two of the lives were in Canada, and the difficulty was to find whether the persons were living, and where they were. He had been able, however, to exchange these lives twenty-five years ago, by the payment of a certain sum of money. This bore out what had been said in the second paper with regard to leaseholds on lives. As regards dwellings in rural districts, a great modification had been made on this subject; but there was very great need for improvement still.

Mr. George Hurst (Bedford) thought that the authors of the papers had shown rather what was desirable than what was practicable. If a man took the lease of a house, he did so as a matter of business. It was said that landlords gained by the tenants' improvements, but it should be remembered that they might also suffer from the deterioration of their property. The writer of the second paper had referred to leases in the country. In the early part of the century, all over the country, there were a vast number of men who occupied their own farms; but it suited them to sell these farms, and to employ their money in a more lucrative manner. It had been stated that a great improvement would ensue if people did not purchase land on building leases; but there were two sides to this question. He was inclined to believe that a man who built with a ninety-nine years' lease was likely to build as well, or better, than if he did so on his own land. It was a well-known fact that men who bought plots of land, scamped the buildings they put up. If a person wished to purchase, he could generally buy property suitable for himself; and he had never found the least difficulty in investing his money in the sort of property he desired.

Mr. James Rowlands (Honorary Secretary to the Leaseholds Enfranchisement Association, London) was pleased to find that the writers of the papers had arrived at the conclusion that it was necessary that something should be done in this matter. He did not think it necessary to debate the details of the question until they had decided upon the principle. He believed that no private member would be able to carry a bill to settle the question. It would have to be a Government measure, in the drafting of which they would have the assistance of the law officers of the Crown. There appeared to be a tendency to deal with the question only in its relation to the metropolis, but he had seen how the system applied to many parts of the country, and it had a much more detrimental effect in some of the provincial towns

than in London. He did not believe that people would build better houses on leasehold than upon freehold land. It was quite a fallacy to speak of freedom of contract in the land question. At Pembroke Dock the working men had to find the money to build houses, nothing being done by the landlord, and their reason for accepting a sixty years' lease was that they could get no better terms; therefore where did the freedom of contract come in? The same would apply to the Tredegar Wharf lease at Newport, Mon. Undoubtedly the worst system of leases was the life-lease, which could be found in Cornwall, Devonport, Malvern, and other parts of the country. The movement was spreading very rapidly, and the whole subject of the tenure of land in towns would have to be dealt with in the same manner as the question of land in the country. The system of terminable leases had broken down. In London the practice of house-farming was developing more and more on the large estates. The house-farmer got back his money by wringing the profit out of the wretched tenants; while the ground landlord shirked the responsibility attached to him. Such a system was morally wrong, and the only thing to do with it was to abolish it.

Mr. King Fordham (Baldock) remarked that the evils of the present system were very much exaggerated. In the majority of cases he believed they were entirely imaginary. He questioned whether any of the speakers could say that they were suffering very grievously because they had not been offered the premises they occupied. Those who desired to live in houses, or occupy lands of their own, would have little difficulty in doing so. It might be desirable that there should be two distinct classes of capitalists—those who built, and those who inhabited. The capitalist who would make only two, or two and a-half per cent., would build to greater advantage than the man who had a limited capital employed in business at a greater interest.

Councillor Allan Granger (Birmingham) thought that something was wanting in the papers they had heard. The question of leaseholds was to be confined to municipalities, and they had had only dealt with the transfer of property from one individual to another. It had been said that the man who gave the land its value should reap the reward; but he denied that the man who built a house in town had done anything more than the owner of the land to increase its value. It was the whole community who did this, and he was astonished to find that this part of the question had not occupied some attention. As a member of the Improvement Committee of the Corporation of Birmingham, it seemed to him that the real thing to get at was to make land a marketable commodity, the same as any other article. The proposals of Mr. Broadhurst and of Lord Randolph Churchill were a mere tinkering with the question, and although the bill were passed it would not improve matters in the least degree. It was said that a man who built should be able to purchase the ownership of the land, but the most difficult part of the question was the standard of value. In Birmingham they had the worst machinery possible for this purpose, viz., a North Warwickshire jury. In order to maintain the sanitary condition of large towns, the bulk of the dwelling-houses should be

built every third generation, and if people acquired freeholds and built houses that would endure for generations, he did not see how improvements for sanitary purposes would be practicable. There was a great difference between moderately substantial buildings and 'jerry' buildings. With regard to occupiers buying the houses, if a man built a house and made a miscalculation as to its likelihood of being occupied, nobody would claim the right of acquiring it; but if on the other hand it was on a good site, the occupier might step in and take it at its present value. By this means all desire for speculation would be interfered with. Were those schemes for transference carried out the state of a town would be far worse than before, and a great deal of the increase of population would not be able to find houses at all. He admitted the evil effects of a want of thorough reform of the land laws, but unless there was a thorough reform the land would be apt to get into the hands of capitalists, who were a worse class, as far as workmen were concerned, than the landowners. The moment the land got into the hands of capitalists, they found that the very last penny was wrung from the leaseholder and tenant. In applying the remedies advocated by Mr. Broadhurst and Lord Randolph Churchill, he was afraid that the last state of the man or town which adopted them would be worse than the first. The Scottish system of feuing, if adopted in England, would meet all the wants of the community, and of all classes so far as the individual transfer of property was concerned. Whatever unearned increment there was should be for the advantage of the whole community. The Birmingham Improvement Scheme was running in the right direction; the corporation bought land at its present value, anticipating that with the progress of the town it would gradually become much more valuable, and thus the increased value went to the whole community. So far as towns were concerned, what was needed was power vested in the town council or other governing body to acquire the freehold of the land within their boundaries by some system free from cumbrous legal machinery, and at the value at the time of purchase, thereby securing future increase for the benefit of the community.

Mr. J. W. Tonks (Birmingham) considered that they would have to be careful, in any compulsory legislation that might be adopted, that they did not bring about a worse state of things. Although he would anticipate with pleasure the fact of everyone living in his own house as freeholder, yet this could not permanently be realised. The mere fact of men having to go elsewhere in search of work brought about an immediate difficulty, and at whatever price they might sell or buy, there would soon be a market value. Any standard of value set up would therefore be an artificial standard, only affecting the first sale from the freeholder. There would still be annual, monthly, or weekly tenancies, and all the evils denounced by Mr. Emmett would be tenfold intensified by the smaller amount of interest in his dwelling which the weekly or monthly occupier would have, as compared with that of one who had his house for a long period of years. Referring to the advantage of one freeholder holding one estate, he instanced the case of Edgbaston, almost the whole of which parish belonged to one

person. There were no public-houses there within a radius of nearly three miles. The houses in each road were nearly all of the same high class, because people who built houses there knew there was no chance of their property being spoiled by the erection of inferior dwellings. While sympathising with the tone of the papers, he thought that by abolishing leases and thus throwing the main onus of occupancy on weekly and monthly tenancies, the remedy would be worse than the disease, and whilst every facility should be given for the transfer of land, change of ownership was much more real and frequent than many seemed to imagine. He was told that eleven millions sterling of freehold property changed hands by public sale in London yearly; and if that were so, by moving in the right direction, and removing those obstacles which interfered with the exchange and transfer of land, they would be doing better than by bringing the bulk of working and business people into the condition of being yearly, monthly, or weekly tenants.

Mr. Joseph Sturge (Birmingham) advocated tenure coming into force during the latter part of the lease. In that part of the country leases were about 120 years old, and it was only recently that the community at large had felt the evils of them. Many excellent districts had been completely spoiled by small houses being erected close to a better class of property.

Mr. William Griffiths (London) thought it was rather unfortunate that the word 'give' should be made use of. Why should they give to one party to the contract unless he had something to give in return? He had listened with great attention to the remarks made by Professor Leone Levi and others, and it appeared to him that the difficulties of carrying out such a scheme would more than compensate any supposed advantages which might accrue to the public. At what period of the lease were they to treat it? Immediately the lease was granted? They knew from experience that the practice was for the land-owner to grant a long lease to the speculative builder, who would frequently mortgage his interest in it. Which of these parties, then, was to have a right to buy the freehold? Neither the builder nor mortgagee would desire to do so, and when these people were got rid of by the Bankruptcy Court, and a solvent person put into the house, what claim had that solvent person for any additional remuneration from the owner which he had not already contracted for? It was not the poorest class which would derive any benefit from it; it would not be the large mass of the population which would gain, but simply a few leaseholders, and why should the unearned increment be taken from the public or the owner and given to that small class? The land laws had not been in a satisfactory state for many generations past. The small leaseholder had many disadvantages, such as paying rates, which should be thrown on the owner. But these were all incidental burdens which might be remedied in other ways. It would not be advantageous to the public at large to act so unjustly as to interfere with the rights of *meum* and *tuum*, and take away from one party what belonged to another.

The President of the Department (Viscount Lymington, M.P.) had

been much struck with the discussion; but he confessed that he felt himself in a somewhat awkward position. There appeared to be a unanimity of sympathy with the objects expressed in Mr. Emmett's paper, and they were all convinced of the importance of increasing the ownership of land. He had always steadfastly maintained that view, and had gone so far in that direction as to second on two occasions in the House of Commons the proposal introduced by Mr. Jesse Collings, which would have the effect of the State lending its credit for the purpose of increasing the number of owners. But it was quite another question as to how that increase of ownership was to be brought about. He had not been convinced of the practical benefit which would result from Mr. Broadhurst's bill, which he had opposed in the House of Commons, very much on the grounds stated by Mr. Granger. The whole gist of the matter depended on the unearned increment of the land. The question at the bottom of the matter was this, how to make the law insist that the tenure of land in the large cities should be used for the purpose of advantage to the community, and not solely to the individual? Mr. Broadhurst suggested that this could be to a large extent effected by conferring on every leaseholder the potential right of becoming a freeholder. In the course of the debate, however, those who supported this view had not been able to answer the financial difficulties embodied in the proposal. If the right of becoming a freeholder were only given to those in the enjoyment of long leases, the benefit would be one which would not be readily grasped. The question then was, Ought the right to be extended to those who had only a few years of the lease to run? It seemed to him that Parliament had a very doubtful right to interfere and override the conditions of a contract which had been entered into. The system of leaseholds had been one adopted, not only by individuals, but also by public bodies. The question of building leases had been one under which large towns had grown, and it was very difficult to understand how the individual workman would be able to get the money at a rate low enough to enable him to fulfil the demands of a growing town. In addition to this, there was the fact that the population was tending to centre in the large towns, and a large number of people were always coming and going. It was important that these people should be decently housed, but they were not a class who would remain sufficiently long in any one locality to make them care about purchasing their houses. It seemed to him that the solution of the question was in the direction of the municipalisation of the land. He could not see why large corporations should not possess compulsory powers to purchase, on fair terms, land from individual proprietors. The question had come before Parliament, and was occupying, perhaps more than any social question, the minds of the working classes of the great cities, and he hoped they might be directed towards dealing satisfactorily with it through the instrumentality of the corporations. He had the utmost confidence in the value of local self-government. This had been brought to an extraordinary degree of perfection in the case of Birmingham, and he hoped it might be extended and carried out in country districts. If they endeavoured to grapple with the evil in the

large cities in this manner, they would be doing so in a way which was just to individuals, and which was also on the lines of national self-improvement.

Mr. EMMETT, in reply, asked those who had listened to the speeches which had been made to read his paper, in which they would find an answer to nearly everything that had been said.

THE LIMITED LIABILITY ACTS.

What have been the Effects of the Limited Liability Acts on Industry, and are any Amendments required? By G. LATHOM BROWNE.

IN complying with the request of your Council to prepare a Paper on this subject, I am met by many difficulties. 'The effects of these Acts on Industry' is hardly a question on which the opinion of a lawyer, even if he had the materials at his command, would be of much value. Again, the materials for such a statement could not be gathered together in the few weeks in which such a paper has to be prepared. They would include a comparison, in the case of manufacturing companies, of the amount of wages paid under the company's rule with those paid by the firm whose business has been acquired; the difference between the cost of management under the company, other than wages to artificers, as against the outlay of the original proprietors—namely, the cost of directors, secretaries, and such like officials, as contrasted with those of the overseers employed by the late proprietors, and the amount reasonably to be allotted to the old proprietors for their share in the management, apart from their share of the general profits; the amount paid in cash and shares to the old proprietors for the stock-in-trade and goodwill of the business, and the increase of business carried on in proportion to the increase of capital brought in by the company. Even if it were possible to obtain such information, dependent entirely on the readiness of the companies to furnish it, years would be required to complete and condense it. A library of prospectuses might tell us the prices at which the properties or businesses taken over were to be acquired. But who could find time to read it through, even if he could gain access to it? What probably would be revealed may be learnt from some advertisements put out during the last month.

A railway signal business is to be taken over for 50,000*l.*

in cash, and a similar amount in shares, and the number of shares now offered for subscription, if taken, will leave a working capital of 25,000*l.* If such a sum, or treble of it, could find profitable employment, would it not be readily found by the old firm? A cartridge company proposes to give 70,000*l.* in cash, and 40,000*l.* in ordinary shares, for the business of a well-known firm, and asks for 110,000*l.* in 7 per cent. preference shares. If there is such a demand for cartridges, could not such a firm readily find the 40,000*l.* additional capital at less than 7 per cent., and would not the additional business be more cheaply worked than by a staff of directors and secretaries, and one of the old firm as a managing director for a fixed period, at no doubt a high salary? Take again the case of a London hotel, which is saddled with a ground rent of 1,750*l.* a year, and a mortgage for 20,000*l.* at 4½ per cent. For this it is contracted to pay the vendor nearly 23,900*l.* in cash, besides 6,000*l.* in shares, for the goodwill, and for this purpose it is proposed to raise 50,000*l.*, the seller coming on the board on the completion of the purchase, and a gentleman of the same name, presumably a relation, acting as secretary. The advantage of such an arrangement to the seller is evident, its beneficial effects on industry more than doubtful. Lastly, take the case of a mining property in South America, of which the proposed capital is to be raised in 20,000 preference shares of 10*l.* each, carrying a preferential dividend of 10*l.* per cent., and 5,000 deferred shares of 50*l.* each to be given to the vendor. For this property 19,000*l.* in cash, and 60,000*l.* in preference shares, is to be paid. The property, it is stated, , is held in perpetuity from the Government' of the State in which it is situated, subject no doubt to a royalty. Experience teaches us that Government perpetuities in South America are limited by frequent revolutions. It is admitted that it will take two years before the necessary machinery, including a wire-rope railway, can be completed, and then, if no accidents or local incidents intervene, a grand revenue is anticipated. Fascinating as the risking of money in mines for the precious metals in South America has always been, is it likely that the sinking of all this capital will advantage industry? These are some of the questions to be answered before any reliable answer can be given to the question which your Council have proposed for discussion.

There is, of course, an 'unhealthy' as well as a 'healthy *industry*.' The industry of the vendors of property; of pro-

moters of companies; of financial agents; of the manipulators of shares; of lawyers enjoying the unbounded litigation which the Limited Liability Acts have promoted; and of the wreckers of companies. The gains of these parties have no doubt been materially lessened by the late decisions of the Courts of Equity, but are still large. The unhealthy industry of these classes have been promoted by these Acts. On the other hand, there is the 'healthy industry' of the manufacturer and the working-man, from increased trade and increased employment. How far this industry has been benefited I have not the means of showing. I cannot, however, but remember that the increased development of late years of manufactures on the Continent and in America, stimulated, at any rate for a time, by protective duties, have seriously altered the calculations of some of the best and most legitimate of the manufacturing companies of the country. To take only the instance of those for the construction of railways and other engineering works in foreign countries. When the earlier companies for the execution of such works were established, foreign countries were dependent on the engineering skill of England for their machinery and for their skilled labour. For years it has ceased to be so. We have taught foreigners to be the rivals of ourselves; we have stimulated their manufacturers to rival the engine-makers of the North; we have made them rival ironmasters; and we have educated their working classes as skilled labourers. Instead of supplying the foreigner with the results of our capital, our labour, and our knowledge, we go to them for the materials and the appliances which once they could obtain only from us. The difference in wages abroad enables the foreign ironmaster successfully to compete with our own, and our own Government realises the economy, for the time, of placing its contracts in the hands of foreign manufacturers, who, by their patient industry, their acuteness, and perseverance, have, to their honour, become worthy to be our rivals in the race of industry.

Notwithstanding all these drawbacks to the adequate discussion of the proposed question in the strict terms in which it has been drawn, it is possible to profitably discuss some of the effects of the Limited Liability Acts. This is especially the case since the last Report of the Registrar of Joint Stock Companies, which gives not only the position of those registered in the past year, but a most instructive summary of the condition of all the thousands of companies that have been formed under these statutes, since the first

real Limited Liability Act was passed by the Legislature. It also enables one to indicate some amendments which may render these Acts less dangerous traps than they have been to catch the too confiding and the unwary searcher after high interest, and low security.

With this object I propose, first, to give a brief sketch of the progress of Limited Liability in England. Secondly, to show from the Registrar's figures how it has worked. And finally to offer some suggestions for the amendments of the existing Acts, which personal experience as a director, a liquidator, and a draftsman of the forms under which companies have been formed, seems to me to render advisable.

Though the power of forming contributors to the joint stock of an adventure, other than of a bank or an insurance company, into a corporation, except under the protection of a Royal Charter, or a special Act of Incorporation, was given by the Act of 1844 (7 & 8 Vict. c. 110), the liability of the partner to third parties remained unlimited. It was not until the Act of 1855 (18 & 19 Vict. c. 153) that this liability was limited. By that statute limited liability could be, for the first time, obtained under the following restrictions. The shares in the company could not be of less than 10*l.* each, the deed of settlement under which they were to be formed must be signed by at least twenty-five of the intending partners, who must have paid up one fifth of the nominal amount of their shares; three-fourths of the capital must be held by these subscribers; and when that amount of the whole nominal capital had been lost, the right of trading ceased.

In the following year a step in advance was made (19 & 20 Vict. c. 47) with respect to all but banking and insurance companies. The necessity for the cumbrous deed of settlement, and the conditions as to the size of the shares, the amount paid up on them, and the quota of the capital held by these subscribers, were done away with, and the memorandum and articles of association in the forms given by the Act introduced. All that was now required, was for seven persons to subscribe the memorandum, stating the amount of shares taken by them, and to adopt the articles of association and the regulations for the management of the company provided by the Act, or others on similar lines. In this Act were contained provisions for the winding up of these companies, without having recourse to the oppressive system of the Courts of Equity, by either compulsory or voluntary liquidation. By a further Act a third form of

liquidation was created, voluntary, under the supervision of the court, combining the security of the compulsory with the inexpensiveness of the voluntary winding up. By subsequent statutes (20 & 21 Vict. c. 79, and 21 & 22 Vict. c. 91) banking companies were empowered to register under the Act of 1855, either with unlimited or limited liability; but all mutual and insurance companies were still excluded from its provisions. Soon after, in 1862 (25 & 26 Vict. c. 89), the powers given by the previous statutes were incorporated into one Act, the restrictions on mutual and on insurance companies abolished, and a new form of company, that limited by guarantee, introduced—the Act which for so many years we have known as the Limited Liability Act, and under which, with its subsequent amendment in 1867, so many thousands of schemes have been brought before the public. Under this Act 4,700 companies, with a nominal capital of more than 725,900,000*l.*, were formed within five years. This, however, by no means represented the total amount available for the operations of these companies. In a very large class of them, power was given by the articles of association to the directors, in many cases without the previous consent of their shareholders, to raise large sums by debentures, and to issue acceptances in the payment of claims, in no way proportional to the amount of the uncalled capital, but in many cases to an unlimited amount—limited indeed in practice only by the possibility of getting these forms of indebtedness taken by the speculative public. Power to increase the nominal capital by a further issue of ordinary or preference shares was also given in many cases to an unlimited extent.

For some time before the great financial panic of May 1866, the reckless exercise of these powers had worked the inevitable results, the collapse and disastrous winding up of numerous companies, and the vigorous calling up of the unpaid capital, to the ruin of countless confiding shareholders. When that panic culminated in the suspension of the bill-discounting house of Overend & Gurney (the prospectus for the formation of which as a Limited Liability Company had only been issued in the preceding July), closely followed by that of Peto & Betts, and the English Joint Stock Bank, as well as many other firms and companies, the demand for an investigation into the operation of the Act of 1862 could not be resisted. In consequence, early in 1867 a Committee of the House of Commons carefully inquired into the matter, and an amending Act was carried.

By this statute some of the worst features of the Act of

1862 were altered. A blow was struck at the hitherto unrevealed arrangement with promoters, the company, and the vendors of property taken over by them, with the object of increasing the power of working them—the vicious custom of making the shares of the company in the first instance shares of a very large amount, and calling up only a small percentage—at the practice of buying shares in a company in order to enforce a winding up, to the benefit only of the wreckers of companies, and of postponing the first meeting of the company, in some cases until two years after its formation, so as to keep the shareholders in ignorance of its condition, until the mischief had been done beyond retrieval.

By this statute (30 & 31 Vict. c. 131) powers were given to companies (1) to reduce their nominal capital, or to subdivide their shares; (2) to enable the transferor of shares to compel the company to 'register' it; (3) to make it necessary to register, before allotment at the registration office, all shares intended to be issued as fully paid up (used for the purpose of paying promoters and vendors of property) so as to relieve the holders of them of liability for calls; (4) for making it fraudulent not to publish in the prospectus the main contracts in favour of the promoters and the vendors; (5) for preventing any shareholder petitioning for the winding up of a company, unless he had held his shares for six months during the eighteen months preceding the date of the winding up; (6) for compelling every company to hold a general meeting within four months after its registration; (7) for enabling companies to be formed in which the liability of some of the directors should be unlimited whilst that of the rest was limited: an attempt apparently to introduce a bastard kind of a company *en commandite*, which has I believe never been used. (8) For enabling the Court of Chancery to transfer winding up cases to the less expensive process of the County Courts. Still, nothing was done to limit the power of companies to issue debentures or notes, though the necessity for such a restriction was pressed upon the Committee by witnesses who had practical experience of the working of this most dangerous power. No attempt also was made to protect the applicant for shares from being fixed with allotments made under far different circumstances as to the position and prospects of the company than had been disclosed in the prospectus. Unless he could prove clear fraud he was powerless. The ruling spirit of the Committee—Mr. Robert Lowe—looked upon such precautions as

either unnecessary or infringing the doctrine of *caveat emptor.*

The result of this legislation was to give the Limited Liability Acts a new start, of which promoters were not slow to take advantage. From this date to the end of the year 1883, 17,000 schemes were registered with a nominal capital of more than 2,000,000,000*l.*

Under the amended powers, and especially after it had been decided that they could be issued at a discount, debentures became the favourite resource of these companies. To what an extent these preferential charges are now carried may be judged by a late advertisement of a manufacturing company, which, with 600,000*l.* of its capital already subscribed, is inviting permanent irredeemable debentures at 4½ per cent. to the extent of 3,400,000*l.* To increase the value and the saleability of these forms of indebtedness the custom has grown up of transferring to trustees for the debenture holders the whole of the property of the company—a most suicidal practice as far as the interests of the shareholders are concerned. The issue of preference shares with all kinds of advantages in the amount of interest has been freely used, and practically the ordinary shareholder left without the possibility of profit on his investment. Indeed, in many of the new companies the only real capital offered for subscription is in the form of preference shares or debentures at a high rate of interest, and ordinary shares are only created as part of the purchase money of the property or business transferred, as nominally making with a cash payment the uniformly large amount for which it is sold to the new adventurers. Another popular form is to retain one or more of the sellers of the business for a fixed term of years, and at a fixed salary, as the managing director of the company, an advantage too often dearly purchased, at the cost of an irremovable servant at high wages, who having already received a large sum of cash for his business, has little interest in improving the business with which he has parted. Is it surprising that, thus weighted, less than 9,000 of the companies registered since the Act of 1862 can now be considered in existence, and that only 4,750,000*l.* of their capital has been paid up?[1]

	Total Registered	Nominal Capital 1862 to 1884
[1] England	19,248	£2,369,143,153
Scotland	1,188	138,137,934
Ireland	705	51,457,138
Stannaries	458	12,984,959
	31,599	£2,571,723,184

Nor do the prospects of these companies that have been registered in the year 1883 appear more promising. 1,668 companies, with a nominal capital of 167,750,000*l.*, have been registered. Against 428 of these the Registrar has printed the words 'wound up,' 'not in operation,' or 'no information'—the latter remark applying to at least three-quarters of the companies registered in the past year. Though doubtless it is true, as the Registrar says, that by the time when his report was closed all the companies registered in the past year ought, if in operation, to have furnished returns to his office, it seems to me fairer to separate those registered up to the end of June from the total numbers registered, as I know from experience that companies are very dilatory in making their statutable returns to the office. Now up to the last day of June 869 limited companies were registered, with a nominal capital of 54,700,000*l.* Of these 45, with a capital of 4,400,000*l.*, have already been wound up, and 169, with a capital of rather more than 18,000,000*l.*, have to be bracketed by the Registrar with the significant words 'no information.' These, as the Beau's valet said, are certainly 'our failures.' Another noticeable feature of the failures of the past year in England is that the bulk of them is of companies evidently by the amount of capital proposing to do a large business—none of them asking for less than 50,000*l.*, two of them each asking for 1,000,000*l.*, and one the odd sum of 3,004,000*l.*, the 4,000*l.* being doubtless the promoters' shares, or, as they are now styled, 'founder's shares.'

Another feature shown by the Registrar's report calls for attention. Of the companies registered in England during the past year, supposed by him to be still in operation, in the cases of 72 nothing has been received on their shares, on a capital of 20,000,000*l.*; and in that of one (Land Mortgage Company of South Africa), in which a call of 1*l.* per share had been made on 8,206 shares, the sum of 53*l.* has been received. Were these companies small affairs, each of a few thousand pounds capital, this feature would not be so significant. When, however, the list of the 'receivers of nothing' includes such ambitious projects as an Insurance Bank (capital 2,500,000*l.*), a Land Cultivation Company of South Africa

	Companies existing on April 4, 1884	Paid-up Capital
England	7,549	£426,792,671
Scotland	728	36,430,875
Ireland	324	11,517,070
Stannaries	40	801,678
	8,641	£475,551,294

(5,000,000*l.*), North of Europe Railways (1,500,000*l.*), an Insurance Company (1,000,000*l.*), a Cable Company (1,500,000*l.*), a Morocco Land Company (2,000,000*l.*), a Morocco Railway Company (1,000,000*l.*), of which only 1,362*l.* has been received, including 200*l.* considered as paid, and another company for the same country—Land and Trading—of whose capital of 1,000,000*l.* 2*l.* is returned as paid, and, not to make the list too long, a company for transacting all kinds of business—the Association Universelle—with the modest demand of 10,000,000*l.*, what examples are they not of the misuse of the Limited Liability Acts? When Cyprus was annexed proposals were issued for Hotel and Land Companies with capital enough to buy all the whole island. Where are these companies? When gold was discovered in the Indian hills millions were not only asked for but to a great extent subscribed. For a time the earliest of these companies made a good show by selling portions of their quartz lands to other companies. How many of these now exist, except in the Court of Chancery? Again, the electric light mania produced a crop of companies, to the temporary scare of their gas rivals, and, as in the case of the Indian gold adventures, one of them flourished for a time by selling concessions of its patent rights. Where are they now? With one fell swoop the Board of Trade lately swept into the waste-paper basket more than twenty proposals for lighting portions of the metropolis. Of the electric light and manufacturing companies registered last year three-fourths have either furnished 'no information' or are entered as already 'winding up.' When France forced the Island of Madagascar into public notice, of course a land company was at once projected—it is still only a project.

Whilst, however, the privileges conferred by the Limited Liability Acts have been so flagrantly misused by speculators in the misplaced confidence of the public, they have been most wisely used in the creation of companies for purely local purposes in many of our towns, such as the erection of recreation halls, club-houses, and similar institutions; in the working of small landed properties, and in testing the adaptability of co-operation to agricultural operations. Loan clubs have also been usefully established under the guarantee privilege. In such cases, however, the capital is uniformly small, and taken up by residents in the locality to whom the want of such an association is known, and who by their presence near the work can see from day to day how it progresses.

From the light thus thrown on the operation of the Acts the following amendments seem advisable :—

The Borrowing Powers of Companies.

These, at present, are limited only by the articles of association of each company, in most cases allowing very great latitude, in some cases making them unlimited. I adhere to the opinions offered to the Committee of the House of Commons in 1867, by the experienced Registrar, Mr. Curzon, by Mr. Wordsworth, Q.C., whose treatise on the Act was the standard book of that date, and by Mr. Hutton Chator, whose experience as a director and as a liquidator gave great weight to his views, and by myself, that the borrowing powers of companies, both in the shape of mortgage, debentures, and bills, should be limited. To what extent that limitation should extend may be a question. In all railway companies it is limited by their special Acts, so far as debentures, to one-third of their capital, and it is imperative that the issue of them should be registered at the Registrar's office. I cannot see why such a precaution should not be extended to limited companies. The question of limiting the issue of promissory notes and bills is more difficult of solution, but they might well be restricted to strictly trade purposes. It might well be made imperative that the extent of the power of borrowing on debentures should be plainly stated in the prospectus, and not left to be discovered from the voluminous articles of association which are now customary. As I have before intimated, the modern practice of transferring the whole property of the company—the life and soul of its success—to trustees to support debentures demands restriction, or should at least be made clear on the face of the prospectus.

Amount of Nominal Capital.

The large amount of the proposed capital of new companies is a fruitful snare to applicants for shares; it seems to warrant the importance of the adventure, and to insure those large profits by which they are tempted to speculate. The arrangement of the table of registration fees appears to encourage this practice. A company of only 2,000*l.* capital pays a fee of 2*l.*, and above that amount 1*l.* per 1,000*l.* to 5,000*l.* From this amount up to 100,000*l.* the fee falls to 5*s.* per 1,000*l.*; and from that point sinks to 1*s.* per 1,000*l.*; and the same fees are to be paid on any increase of capital.

Then comes this saving clause, 'that no company shall be liable to pay in respect of nominal capital on registration, or afterwards, any greater amount of fees than 50*l.*, taking into account in the case of fees payable on an increase of capital after registration the fees paid on registration.' Hence, a capital of 10,000,000*l.* pays no more than one of 650,000*l.* A few *naughts* are easily added in drawing a prospectus, and much mischief is done thereby. Now I would make a suggestion. Let the fee be 1*l.* per 1,000*l.* In sound schemes that would not act as an impediment. To the doubtful, and worse than doubtful ones it would be a most effective prevention. The promoter of a sound speculation, or the seller of a sound business, would not hesitate to find 100*l.* or five times that. To the brass-plate speculator with his petty office, it would act as an impediment over which he could not leap. But it would heavily mulct sound schemes, it will be said. Not if it was provided that on the Registrar being satisfied that a fair proportion of the proposed capital had been subscribed and *paid up*, he was empowered to return all fees on registration over and above those now demandable.

Directors, their Remuneration and their Liability.

By the present practice, the first directors of a company are practically nominated by the promoter, or persons who at his instigation obtain them, and are paid so much per head for everyone that they persuade to allow his name to appear. They are almost universally assured, by the articles of association, a liberal fixed remuneration over which the shareholders have no power, and, in some, a direct interest in the favourable condition of the balance-sheet, in the shape of a percentage on the profits shown by the accounts. They are also, except for legal fraud, as limited in their liability as their shareholders. Hence the growth of the race of directors, who join solely for their fees—'the guinea pigs' as they are called in Stock Exchange phraseology. Hence the temptation to accept and formally sign balance-sheets adroitly manipulated to show large profits, by placing to capital expenditure duly chargeable against profit, and by relegating to a reserve account inconvenient liabilities. Hence the habit into which they almost unconsciously drop, of delegating the real work of the company either to their chairman, managing-director, or secretary, and accepting his statements and his figures as law. That directors should

be the real, and not nominal appointees of their shareholders; should not be legally appointed until the fair proportion of the capital has been subscribed, and not, as now, fixed on their seats, and their remuneration for one, and in some cases two years; that auditors should not, as they too often do, merely check the receipts and expenditure by the vouchers, but express their opinion on the form in which the balance-sheet is presented, and refuse to sign it unless corrected, are amendments of which few, if any, will doubt the benefit.

The Liability of Directors.

It was urged by very competent witnesses (Lord Romilly, the then Master of the Rolls, Mr. Wordsworth, Q.C., and Mr. King, and Mr. Webster, Q.C.) that the liability of directors and managers should be unlimited, and a suggestion was made by the last witness that there should be a combination of limited and unlimited liability, as in the case of the United States. This form was adopted by the committee, but, as I have before related, has fallen dead in practice. The difficulty of obtaining men of means to risk such a liability simply for the sake of the remuneration of a director is evident, especially if his brother directors and the shareholders are still to have the power of interference in the management of the company. The only way in which such a safeguard could be introduced would be by the adoption of the *en commandite* system, that has met with so much success in France, by which the liability of the *gérant* is unlimited, but his management cannot, except in extraordinary circumstances, be interfered with. It is generally admitted that the joint stock arrangement is the best for the collection of large funds from small sources, but is painfully defective in the application and management of the capital when so provided. If directors take the interest in their work which their constitution supposes, half a dozen or a dozen men round a board table are about the worst administrators that could be found. In practice, either from inaptitude for the special work to be carried out, idleness, or weariness of details, they allow the real management to fall into the hands of one of their body, who thus obtains all the advantages of a *gérant en commandite* without his responsibility. That the *en commandite* system is the most practical cannot be doubted, and it would be worth trying whether in any new legislation it could not be fully legalised.

among us, seeing how the late attempt in that direction has failed.[1]

Applications for Allotment of Shares.

Our law reports teem with cases in which applicants for shares have been fixed with allotments in companies in which, from their failure in popularity, the capital applied for has been inadequate for any good purpose, and where, had the directors been worthy of their position, the deposits would have been at once returned and the applications cancelled. In several cases that have come under my observation, it is left with the directors to determine with how little capital they may start the adventure, trusting under the shield of apparent success to finance the remainder of the shares, or to encumber the property with debentures. The almost inevitable result is that, either by calls before liquidation or by the liquidators after the company has collapsed, the few real allottees find their contribution thrown away in the bonus to the promoter, the cash payment to the vendor of the property or business, and the expenses of costly litigation.

In a bill which was passed through the House of Commons in 1877, but dropped in the Lords I believe after its second reading, Mr. Chadwick, its author, made the following proposal for the protection of allottees:—

'No application for the allotment of shares of any capital in pursuance of such prospectus or notice shall be binding on the applicant unless the capital *bonâ fide* subscribed at the time of the allotment amounts to at least two-thirds of the amount of the capital offered in the prospectus or notice;' and, to meet the delays in allotment so often resorted to in doubtful companies, the clause provided 'that no such allotment shall be binding unless made within twenty-eight days of the date of the delivery of the application.' Another clause was aimed at the system of allotments to mere nominees of persons interested in the promotion of the company, who were men of straw, behind whom the real parties might shelter themselves in the event of a liquidation. 'Within seven days after the making of the first allotment of any shares in a company under the Companies Acts, the company shall cause to be sent to every allottee a printed or written list of the names and addresses of all allottees of such shares.'

[1] Mr. John Howell was prevented by the interference of Mr. Lowe from stating the case of the *en commandite* system before the committee in 1867. His draft of a bill on the subject will be found in the Appendix to that Committee's report.

Disclosure of Contracts with Promoters.

The language of the section in the Act of 1867 (30 & 31 Vict. c. 138, § 38) by which it was made compulsory to specify on the prospectus the dates and names of the parties to any contract entered into by the company, or the promoters, directors, or trustees thereof, before the issue of the prospectus, whether subject to the adoption of the directors or otherwise, has been differently interpreted by various courts. Its meaning would have been made more clear had the following clause in the proposed Act, before referred to, been adopted. By the 4th section it was enacted that in the prospectus or invitation for subscribing shares the following requirements shall be complied with :—

(*a*.) It shall state the names, addresses, and occupations of the vendors of any business or property intended to be sold to or to be acquired by such company.

(*b*.) It shall state the date of and the names of the parties to and the material contents of every contract, other than contracts for supplies or services not exceeding 200*l*. in value, made before the issue of such prospectus or notice, by or on behalf of such company, or by any person who is or afterwards becomes a promoter, director, or trustee thereof, where such contract is to be carried into effect out of the funds or capital of the company to be subscribed under such prospectus or notice, or is for the benefit of such promoter, director, or trustee, in relation to the promotion or undertaking of the company.

(*c*.) It shall contain a copy of the memorandum of association of the company, and of the names, addresses, and occupations of the persons who have signed the same, and the number of shares in the company agreed to be taken by each of such persons.

Every prospectus or notice which does not comply with the aforesaid requirements shall be deemed to be fraudulent on the part of every promoter, director, trustee, or officer of such company who has knowingly issued or been concerned in the issue of such prospectus or notice as regards any person applying or subscribing for any share, bond, debenture, or other capital in the company on the faith of such

prospectus or notice, unless such person has had notice of the omitted particulars.

Every person who has signed the memorandum of association of the Company, or is at the date of the issue of any such prospectus or notice entitled under any agreement, either absolutely or contingently on the formation of the company, to be a director of the Company, or to be allotted any share, bond, debenture, or other capital therein, or to receive any payment out of the funds or capital of the company, shall be deemed to be a promoter of the company within the meaning of this section.

The provision (*c*) is now usually complied with, and the memorandum of association appended to the prospectus. That it should be so has become more important since the judgment of a competent court, that unless in the memorandum the borrowing powers are at least generally stated, their mere insertion in the articles of association will not enable the directors or the company, as the case may be, to exercise them. The true interpretation is now admitted to be that the articles contain merely the machinery by which the powers given in the memorandum are to be exercised, and cannot confer powers not clearly indicated in the memorandum itself.

Accounts and Balance-sheets.

The manipulation of the balance-sheets of companies has justly proved the foundation of much severe comment. That the statements should be clear and exhaustive every one, in the interest of *bonâ fide* companies, will admit; that it is the exception for them to be so, will not be denied. And yet an honest account need only be simple and true, and not elaborated after the fashion of some accountants. Most of us have heard the story of the accountant who was called in by an American trader to make out a balance-sheet and told that he objected to the title 'Profit and Loss Account,' because it must be profit and not loss; and of his brother bankrupt, to whom the accountant put the question, 'Which side do you want the accounts made up?' We would hope that such is not the case here. At any rate, precaution is not thrown away.

In the bill already referred to a form of accounts which will be found in the Appendix to this Paper is given, and it is proposed that a balance-sheet should be sent to every shareholder seven days, at least, before the general meeting

at which it is to be presented, or deposited for inspection at the company's office.

If the directors omit to do this for fourteen days, any member of the company was to be empowered to apply to a judge for an order on them to prepare and issue such a balance-sheet within twenty-one days; and if dissatisfied with it when issued, to call on them to show cause why it should not be amended, and to make the company or any individual director or officer pay the costs of the applicant. To this proposal the only objection that occurs to me is, that the bill would have enabled the directors simply to deposit the balance-sheet for inspection at the company's office, instead of sending it, as it ought to be, with the half-yearly report to every shareholder. How many shareholders could come to see it?

I have now indicated amendments which occur to me to be advisable in the interest of *bonâ fide* companies. Others will no doubt call attention to other points in this question, and I hope that they will be able to furnish more information than, from reasons over which I have no control, I have been able to afford.

APPENDIX.

Forms of accounts and balance-sheet from the Schedule to the Companies Act Amendment (No. 2) Bill, brought in by Mr. Chadwick, Sir Henry Jackson, Mr. Sampson Lloyd, Mr. Rylands, Mr. Hopwood, and Mr. B. Whitworth. Ordered by the Commons to be printed March 7, 1887.

FORM A.

Balance Sheet of_____Company, Limited, at_____18____
The total authorised capital of the Company is £____ in ____shares of £____ each, and £____on mortgage, or in debenture bonds. The total subscribed capital of the Company is £____in____shares of £____each, and £____on mortgage, or in debenture bonds.

(State preference shares or any other authorised capital, and amount subscribed.)

DR. **CR.**

CAPITAL AND LIABILITIES.	£ s. d.	£ s. d.	PROPERTY AND ASSETS.	£ s. d.	£ s. d.
1. SHARE CAPITAL.— —Shares £—called up			1. PROPERTIES.— Freehold and leasehold land and other properties . . (Insert principal general items.)		
Amount paid in advance of calls. (The amount of arrears on calls owing is £) (Insert preference shares &c., if any.)			Machinery and plant, including rolling stock . . . (Insert principal general items.)		
2. MORTGAGES.— Amount owing on mortgage or debentures . . .			2. STOCK-IN-TRADE, as per inventory and valuation . . (Insert principal general items.)		
3. DEBTS.— Amount owing by the Company . . (State special items separately, such as deposits, royalties, unclaimed interest or dividends, &c.)			3. DEBTS owing to the Company . . .		
4. RESERVE FUND.— Balance of (state whether invested in the general business, like ordinary share capital, or specially invested, and if so how)			BALANCE of cash in bank		
5. PROFIT.— Balance of profit from last year . . .			Do. do. in hand		
Total gross profit for the year . . .			(Any other special assets or liabilities to be set forth.)		
Less interest, interim dividends, &c. paid, as per profit and loss statement . .			(Balance loss, if any, to be shown here.)		
	£			£	

NOTE.—In case of Banks and other like Companies, the above Form to be used as far as practicable, the LIABILITIES on Deposits, and on Acceptances, to be stated separately.

Form B.

Profit and Loss Account of _____ Company, Limited, for the year (*or* half-year) ending _____ 18 ____, showing the appropriation of the total Gross Profits on the Business of the Company.

	£ s. d.		£ s. d.	£ s. d.
To Expenditure on account of capital, and management during the year, viz.:—		By balance of profit from last year . .		
Interest on mortgages and debentures . . .		Gross Profits for the year, as per Balance Sheet (being the result of the year's business after payments for materials, wages, current and working expenses)		
General office and management expenses .		(To be stated in one sum as above, or under general heads.)		
Directors' and auditors' remuneration . .				
Amount proposed to be carried to reserve fund				
Interim dividend paid on share capital . .				
Interim dividend paid on preference capital .				
Further dividend proposed to be paid on share capital, making——per cent. for the year .		(Balance lost, if any, to be shown here.)		
Do. on preference share capital, making——per cent. for the year .				
Balance proposed to be carried to next account				
	£			£

DIRECTORS' CERTIFICATE.

We have examined the above Balance Sheet and Profit and Loss Account, and certify that, to the best of our knowledge and belief, they are correct.

_____ } Directors.
_____ }

_____ Secretary.

Dated at _____ *this* _____ *day of* _____ 18 .

AUDITORS' CERTIFICATE.

We have examined the above Balance Sheet and Profit and Loss Account, and compared the same with the books and Vouchers of the Company, and with the certified stock accounts, and bankers' and other balances, and have examined the schedules of assets and liabilities, and certify that, to the best of our knowledge and belief, they are correct.

Name.	*Business.*	
_____	_____	} Auditors.
_____	_____	}

Dated at _____ *this* _____ *day of* _____ 18 .

DISCUSSION.

Professor LEONE LEVI, F.S.A., LL.D. (London), said that the introduction of limited liability dated nearly from the formation of that association. It was introduced first by resolution in the House of Commons, and afterwards by Act of Parliament in 1856, and was afterwards extended in 1857. They had, therefore, had twenty-seven years' experience of the working of the Acts, and it was natural to ask what the effect had been, and whether any amendments were required. One important effect had been the introduction of a large amount of capital into trade. The four hundred and seventy-five millions mentioned as being paid up did not represent all new capital put into trade, but still a large amount had been introduced by this method, holders of small amounts of capital being thereby enabled to participate in the general business of the country. This had, in fact, from the very first, been a primary object of the introduction of limited liability. But the introduction of a very large amount of capital into trade had tended to reduce profits, whilst the competition between joint-stock companies and private traders was not always to the advantage of the latter. There were other reasons, however, for the reduction of profits complained of, such as the elimination of speculation by the operation of the telegraph, and the increasing effectiveness of capital on account of the greater ease with which business operations could be completed. The paper proposed a limitation of the borrowing power of companies, and also of the right of issuing bills of exchange; but he did not think it was desirable to cripple the operations of these companies. If the power of borrowing were taken away, the power of extending business would be destroyed. Nor did he think that the imposition of any increasing amount of fees in proportion to the capital was desirable. It had been a surprise to him that the Joint Stock Companies' Amendment Act, which enabled companies to be formed by the union of unlimited liability on the part of directors, and of limited liability on the part of the proprietors of capital, had not been taken advantage of. It was a sound principle that those persons who had the entire guidance of the business should have an unlimited liability, whilst those who simply received the reports and contributed the capital should have a liability limited to the amount of the capital they contributed. The *commandite* principle was very prevalent in France, whilst here the limited liability principle obtained only as regards companies with seven persons and over. In France there was no such restriction, for a private individual with two or three backing him might start on the principle of limited liability. Mr. Sampson Lloyd had brought in a bill to introduce the principle of *commandite* in this country, but he had not met with much support, and at the present time there was a bill in the House for the incorporation of joint-stock companies, which had not met with much success. He agreed with the proposal that an allotment of shares should not be allowed until a certain proportion was secured. It might be well also to register as capital only the amount paid up. There ought certainly to be a check to the publication of fictitious capital. The registrar of joint-stock companies, of course, was not responsible

for the statements made by the projectors. He was not an inquisitor, and there would be no satisfactory security afforded even if he became one. The disclosure of contracts was an important matter, but however much the facts were disclosed, the investors were not sufficiently careful to read the conditions of the prospectus. He hoped that the accounts as suggested might be presented in proper form; but he was not sure that the auditors' duties could be so extended that they might inquire into the working of the companies. Their province was simply to see that the accounts were correct, and to compare them with the vouchers.

Mr. W. Leigh Bernard (Barrister-at-law, London) thought that the learned author of the paper had wandered too much from the subject, and the amendments to the Limited Liability Acts therein suggested would, instead of aiding industry, practically paralyse it. The Limited Liability Acts were by no means as perfect as they ought to be, and he would be pleased to see any attempt made to amend them in the right direction. Rather than have them amended in the way now proposed, it would be better to leave them as they were. So far back as 1867 a Parliamentary Committee sat to consider the question, but the changes made in the law by the passing of 'The Companies Act 1867' did not materially alter it, save with two exceptions, one of which (see 25th section) provided for the filing of contracts with the registrar of joint-stock companies in all cases where shares were issued without a cash payment to vendors and others; and the other (see 38th section) declaring prospectuses fraudulent that did not contain the dates and names of parties to all contracts entered into by the company, or the promoters, directors, or trustees thereof. The first exception referred to had been proved to be a very wise provision, but the second one, owing to its vagueness, had been the cause of a great deal of litigation, it being sometimes so difficult to decide how far back it is necessary to go to comply with the statute. A great deal was to be said both for and against the limitation of the borrowing powers of companies, so far as borrowing by debentures and on mortgage was concerned; but any attempt to limit the power of companies in the ordinary course of their business from accepting, drawing, or endorsing bills of exchange would be disastrous to the interests of commerce quite apart from the important consideration that it is believed by many that the day is not far distant when all businesses of any magnitude will be carried on under the provisions of the Limited Liability Acts. The idea of increasing the registration fees might prove a check, but the wholesomeness of it would be removed by the proposal to make the registrar a sort of arbitrator as to what fees should be returned at a subsequent stage of the company. It had been pointed out that in the prospectus the public were treated by some companies to a copy of the memorandum of association, although not required by law. The real reason for this was that the Stock Exchange authorities would not allow a quotation unless the memorandum was printed on the prospectus. The writer of the paper had referred to healthy and unhealthy companies, and it was a pity he had not devoted more attention to the questions which might with advantage have been discussed within the bounds of the subject proposed for consideration. He (the speaker)

knew of great patent industries which could not be carried on without the advantages conferred by the Limited Liability Acts. It would be well if a trial were given in this country to the American system of limited partnerships. In the United States two or more gentlemen joined together, and were limited to a certain capital, in much the same way as companies were limited. He believed that no man of position would take the responsibility of the direction of an ordinary limited company if his liabilities were unlimited. Any experimental legislation on the subject would be far worse than to leave the matter as it is. While he would gladly welcome any attempt to see these acts amended in a really workable manner, he would equally deplore any hasty change in statutes for the constitution of companies, which, upon the whole, had worked very well.

Mr. William Holliday (Birmingham) thought the principle of limited liability was extremely simple, and he dissented almost entirely from the last speaker on the subject of dealing with the matter. The great difficulty to contend with was the management, and if the honesty of companies was to be secured, he would strongly recommend an unlimited liability for the directors. In all directions there was capital which could find no profitable use, and which could be invested with great security if companies were formed, with directors whose liability was unlimited. It was argued that if this were the case men of position would not become directors. But gentlemen who had been trading successfully would be glad to convert their concerns into limited companies, thus taking into partnership servants who had been with them for a long time. The whole of the mischief had arisen from companies having been fraudulently formed, with directors whose interests merely were to get shares and sell them at a profit. What was required was to get directors in whom people could trust.

Mr. Charles D. Sturge (Birmingham) remarked that they had to consider two classes of companies—first, the companies got up by promoters, and next, the very important class of large concerns which were turned into companies. The shares of these latter were never probably sold on the Stock Exchange, and they were carried on in this form because it was necessary in consequence of death to bring the capital into a negotiable form. The trade of the country was frequently crippled by large establishments being closed. If anyone looked at the great trading firms of the country they would see what a large number of them had been turned into limited liability companies, and any future legislation should not cripple companies of this class. In the course of manufacturing operations it was found that large concerns could be worked more economically, and afford the expense of travellers better, than small ones. There was one defect in the Limited Liability Acts which had not been referred to. Shareholders were properly registered in London, but this was not the case with debenture-holders. It was true that every company was bound to keep a register of debentures, but it was not clear what they were obliged to register. Some debentures were merely an acknowledgment of debt; others were mortgages; while there was another class which covered the debts to be received by the company. It was very important that the deed of

mortgage to the debenture holders should be registered in London with the articles and memorandum of association, so that the creditors might be able to see this, and any deed or agreement pledging unpaid calls and debts receivable should be registered as a bill of sale. The difficulty arose from companies being composed of two interests—the debenture-holders and shareholders—and the creditors should have the means of ascertaining whether the assets belonged to certain individuals in their character of shareholders, or were pledged to them in their character as debenture-holders, and therefore not liable for the debts of the company. A private individual had no debenture-holders, and although he could pledge his debts receivable to a creditor, it was not often done, and it was difficult to do. It must be remembered also that a company did not come under the Bankruptcy Act, which would invalidate any such transactions, but was wound up under the special articles of association. He considered that the publication of accounts would be very objectionable, as it would give to others an insight into the working and profit of the concern. All that was needed was that the creditors should have full information as to the position of the company, and its assets.

Mr. Henry Hawkes (Birmingham) thought that the proposal for making the liability of directors unlimited was a mistaken one, and would remove one of the few protections shareholders now had in the management of their affairs. They all had sufficient knowledge of mankind to believe that if an unlimited liability were put upon the directors of these companies, no man of large property and of good commercial standing would accept the office. Such a man would not feel justified in imperilling his position and affairs in that manner, for such unlimited liability meant nothing if it did not mean that while the shareholders might only lose their subscribed capital, the directors might lose every penny they possessed. Therefore every man whom they looked upon as sound and prudent would refuse to become the director of such a company. At the same time boards of directors would not cease to be found; indeed there would be more applications for the directorial seats, as to many men the unlimited liability would not matter a straw. The 'guinea pigs' would be largely increased, and altogether this change would not be an advisable one to make. The theory on which the acts were passed was a good one, viz., the importance of getting together capital, and employing it to advantage; but the legislators forgot the fact that had been stated by a remarkable individual, that 'there were two classes of people, those with plenty of brains and no money, and those with plenty of money and no brains.' Unhappily they knew that all over England people were so confiding that they relied upon the golden suggestions which were thrown out as bait by company promoters, and in that way the money came in. The learned author of the paper ought to have shown not only what had been the effects on industry, but also on the individuals who had subscribed to those limited companies. When a company failed the result was often disastrous to the investors. People would not read the prospectuses, nor would they go to the registration office to examine the list of shareholders, and see what transfers were made. Even if the wisest statesman framed regulations which seemed to protect every person, they failed

because people would not avail themselves of the regulations, or even take the trouble of reading them. Those who framed these acts could not have dreamed that in twenty-five years so large an amount of money would have been subscribed, and it was open to question whether the disastrous effects during that time were not almost equal to the good which had been done by them to trading.

Mr. W. C. Sillar (London) said that, previous to the passing of the Act the creditor had a monopoly of limited liability. If anyone wished his money to be used in the channels of industry he had either to invest it as a partner or to lend it as a creditor. 'Partnership' implied unlimited liability, but when a man *lent* his money he received his interest without incurring any legal responsibility for losses. A great number of people, however, desired to have a real interest in the work which their money was supposed to foster, and this the principle of limited liability enabled them to have. Its introduction, therefore, was one of the grandest things which had ever been done to enable people safely to distribute their investments over a large area, besides giving them, as shareholders, a voice in the management which, as creditors, they did not possess. The danger however—and this had not been sufficiently dwelt upon—was the power of borrowing. A company may not buy and sell its own shares, on account of the tendency to abuse which might arise from such a power; and to say that a company should not have power to borrow would be very hard indeed, for this is the only alternative when extra capital is required for a temporary purpose. We should bear in mind that there is a difference between borrowing for the purpose of carrying on current business, and borrowing before the business is under weigh. The money market gives great facilities for borrowing money, and this it is that wrecks many good concerns. As a director, he had experience of unlimited liability in connection with a limited company, because at the formation of the company there were no borrowing powers given, and therefore any money borrowed would have to be done at the directors' responsibility. No society can be considered safe if governed by careless or unscrupulous directors with borrowing powers, and there can hardly be a more vicious system than making the subscribed capital a margin as security for loans. Shakespeare tersely expresses this in 'Measure for Measure,' where he makes the Duke say, 'There is scarce truth enough alive to make societies secure, but *security* enough to make fellowships accursed. Much upon this riddle runs the wisdom of the world. This news is old enough, yet it is every day's news.'

Mr. E. J. Watherston (Hon. Secretary of the Department) observed that neither the facts stated in the paper, nor the conclusions which had been advanced, were in the slightest degree impaired by the valuable discussion that had taken place. They would all be prepared to admit that whatever were the evils of limited liability those of unlimited liability were assuredly far greater. What they had therefore before them was to endeavour to improve the laws as relating to limited liability. Anyone who had heard the paper read would notice that the author had not made any attack upon limited liability, as applied to proper and wholesome objects of trade and commerce. What he had tried to do was to show the *shortcomings of the* Acts, and to propose amendments by which

the unhealthy state of affairs might be remedied. With regard to making the liability of directors unlimited, if this were done it would be next to impossible to get men of position, and with large stakes in business, to undertake the direction of a company. The writer of the paper had given a number of exceedingly valuable recommendations with regard to the borrowing powers, the nominal capital, and the directors' remuneration; and the arguments had been sustained throughout. The subject was one which ought to receive future attention in this department of the association. Espionage into the affairs of a company might, of course, be carried too far, but in the case of a sound concern, where the balance-sheet was clear and distinct, there would be no necessity for any such espionage. Under a proper system of justice, and truth, and equity, limited liability had nothing to fear; it was when the accounts would not bear the light of day that shareholders found out the unhappy fact that they had been at the mercy of a species of rascality almost unparalleled in history.

CONDITION OF THE WORKING CLASSES.

What is the Social Condition of the Working Classes in 1884 *as compared with* 1857, *when the first Meeting of the National Association for the Promotion of Social Science was held in Birmingham; and in what way can the Working Classes best utilise their Savings?* By Professor LEONE LEVI, F.S.A., &c., &c.

1. *Inquiries into the condition of the Working Classes.*

IT may seem ungenerous, if not officious, from time to time to inquire into the social condition of the labouring classes. Why are not similar inquiries instituted into the condition of other classes of society? But the *raison d'être* of this Association for the Promotion of Social Science is to bring to light the grievances and aspirations of *all* the component classes of society, with a view to the discovery and application of needed remedies and improvements. Cogent reasons, however, justify a special solicitude for the welfare of the labouring classes. Their economic condition reflects the state of agriculture, commerce, and industry; their claim to share in a higher degree in the products of labour touches some of the most difficult problems of economic science; their virtues and vices illustrate in the closest manner the state and progress of civilisation and morals; and their number, some seventy per cent. of the entire population, gives them a weight and an influence in social and political questions which no politician can ignore or neglect. Who can, moreover, be callous to the penury and hardships of the less favoured among their number,—the wretched victims often of

disease and want? A stoic indifference to their sufferings is perilous. Nay, it deprives ourselves of the luxury of sympathy, even if it be out of our power to provide any substantial remedy.

> What though in scaly armour dressed,
> Indifference may repel
> The shafts of woe, in such a breast
> No joy can ever dwell.
>
> 'Tis woven in the world's great plan,
> And fixed by Heaven's decree,
> That all the true delights of man
> Should spring from sympathy.

Twenty-seven years have elapsed since the first meeting of this Association in Birmingham, and I well remember the burning words of Lord Brougham, its first President, in his splendid address on that occasion. What have these years done for the working classes in the United Kingdom? Do we find them richer or poorer, more contented or discontented, more or less laborious and active, higher or lower in the social scale than they were wont to be?

If Sociology is ever to rise to the dignity of a science, it must be by the careful observation and collection of facts recording the movement and evolution of different classes of the people. The deductive system of reasoning will not help us much. It is from experience to law and not from law to experience that we must proceed. Twenty-seven years are but a short chapter in the history of Society, nevertheless let us treasure their teaching, for they cannot fail to help us in the elaboration of principles of wide application.

2. *Gradations among the Working Classes.*

Seventy per cent. of the population make the working classes (erroneously so-called *par excellence*, for I imagine brain workers have often a harder task than those engaged in manual labour) reach the total of some twenty-five millions. But they comprise many scarcely distinguishable from the middle classes. They embrace artisans and skilled workers, enamellers and lapidaries, machinists and engineers, with eyes and hands as cultivated as those of any other portion of the population, and as far removed from common labourers and miners as clerks and curates are from those who have reached the highest places in the liberal professions or wealthy merchants and bankers, all of whom pass under the category of the middle classes. In truth, during the last quarter of a century the higher branches of industry have greatly ad-

vanced; science and art have taken a deeper root, and the higher strata of the labouring classes have exercised an elevating influence over every branch of British labour. But, on the other hand, a very large number of the working classes are still low and degraded, ignorant and miserable. In describing the social or moral condition of any class of society, as in depicting the state of any nation, we are apt to be swayed by the impressions produced by those who come more visibly before us, by our own sanguine or depressed temperament, and by any fortuitous event which may happen to cross our path. But opinions thus formed and advanced, though true in themselves, are often erroneous as a real indication of the condition of the class or nation as a whole. Listen, I pray you, to no vituperation of the peers of the realm, or of the working classes, when you know they are prompted by the failings of the few. Where possible, be guided only by the averages of great numbers, for though failing to represent the true condition of distinct persons, they are always truer as to the broad characteristics of the class.

3. *Physical Condition of the Working Classes.*

There is no reliable evidence of the physique of the people at any distinct period. The Anthropometric Committee of the British Association [1] recently made extensive observations respecting the height, weight, girth of chest, drawing power, and other particulars of the people in different parts of the country, which will be a most useful standard whereby to compare their future progress. But no such observations were ever made before, and loose opinions that the people are apparently smaller or taller are not reliable data to go by. There are indeed good reasons for believing that the physical condition of the labouring classes is better now than it ever was. If the food of the people is more artificial than it used to be, they certainly have more of it. If the dress is made of more flimsy material, more yards of it are employed. Bad as in some cases the dwellings

[1] The general results of the inquiry relating to adult persons of the ages from 23 to 50 years were as follows:—

	Average height, statute inches, without shoes	Average weight including clothes lbs.	Ratio lbs. weight per inch of statute height
England . .	67·36	155·0	2·301
Wales . . .	66·66	158·3	2·375
Scotland . .	68·71	165·3	2·406
Ireland . . .	67·90	154·1	2·270

See *Transactions of the British Association for the Advancement of Science*, 1882.

of the labouring classes are, they are immensely better in the great majority of cases than they used to be. The rate of mortality is less. In England and Wales it was 21·8 per 1,000 in 1857, and 19·6 per 1,000 in 1882. Cases of longevity are more numerous. And, whatever injury to health may arise from the increasing migration from country to town, it is greatly counteracted by improved sanitary arrangements, by the action of the Factory Laws, and by the persistent legislation, for the prevention, as far as possible, of diseases incident to many occupations, as well as for the prevention of accidents in factories, mines, and workshops, and the preservation of life at sea. Two evils are directly affecting the physical condition of the people generally in large towns. The first is density of population and overcrowding. The second intemperance. The revelations made by the 'Bitter Cry of Outcast London' as to the crowding of the poor in wretched habitations have, with reason, produced considerable alarm. And well may we trust that the Royal Commission now inquiring into the subject may suggest measures calculated to abate or prevent this, the first source of degeneration. Intemperance, it is to be lamented, exists to a large extent; yet there are indications that it is somewhat on the decrease. In 1857, the consumption of spirits, British and foreign, was in the proportion of 1·03 gallon per head. In 1875 it had risen to 1·30. In 1883 it fell to 1·06. In 1857 the consumption of malt was 1·58 bushel, which at 18 gallons per bushel, gave 28 gallons per head. In 1876 it had risen to 2 bushels, or 36 gallons. And in 1883 the consumption of beer was 27·1 gallons per head. What is better still, however, is that sounder views obtain regarding the consumption of alcohol, whether in excess or moderation, while the greater vigilance of the police in bringing before the magistrates all persons found in a state of drunkenness in the public streets, indicates that society no longer suffers manners at one time regarded with perfect indifference. From all sides there are evidences that, though much remains to be done for the improvement of the physical condition of the people, the forces which favour their well-being have been greater than those which operated towards their detriment.

4. *Progress of Education among the Working Classes.*

With matters pertaining to the health of the body we may unite what pertains to the health of the mind. At no former period greater strides have been made in the elementary education of the people than during the last fourteen years.

Previous to 1870 the Committee of Council on Education was striving, notwithstanding the most strenuous opposition of some of the most liberal minds in Manchester, Birmingham, and other places, to assist education by making some grants to the National and British School Societies; but under that system only a few districts, and those mainly consisting of middle-class people, were really provided with schools. The working classes were in most cases left out of all educational superintendence. They were not considered as coming within the range of real educational requirements. At all events, they were beyond the reach of those who took an interest in education. It was only in 1870 that a national system was effectively introduced, which by compelling the establishment of schools in every district proportionate to population, and by making attendance at school, where possible, compulsory, brought education fairly within the reach of the working classes. And the result has been that, whereas in 1857 the average number of children in attendance in primary schools in Great Britain was 531,000, in 1883 it increased to 3,560,000. Fear has been expressed that as workmen become educated they will regard with aversion the lower kinds of employments. I have no such fears. Depend upon it, if ignorance is likely to be the mother of pride and idleness, education is certain to engender humility and industry. The work that has to be done will be done, and not neglected. Nay, it will be done all the more cleverly, and all the more pleasantly, because the workman is educated. During the last twenty-seven years we have also seen the formation of the Kensington Museum, and with it the extension of science and art classes, the circulation of objects of art, drawings, &c., and the promotion of technical education in connection with every branch of industry, all exercising a most beneficial influence not only on the work but on the workers. If ever the labouring classes were a source of danger to the State, they cannot be so accounted at this moment. We are not politicians here, yet it is impossible to ignore the important fact that by the Reform Act of 1867 the political rights of workmen were greatly extended, not only to their benefit, but to the benefit of the State, and that the Franchise Bill, which has just passed the House of Commons with such unexampled unanimity, but which has been arrested in the House of Lords, provided for the enfranchisement of two millions of householders in country districts, all parties recognising that the exercise of civil rights may be safely and confidently entrusted to the hands of the masses of the people, whether in town or country.

5. *Are our Working Men less Laborious?*

A common impression exists that our working men are less laborious and active than they were; that they work fewer hours, and that during those hours they put forth less energy, so that where two workmen were once sufficient to do a certain amount of work, three are now necessary. Doubtless the Factory Acts have reduced the number of hours of actual work in factories and workshops, and the influence of this legislation has extended to all branches of trade and industry. Early closing has also been everywhere in the ascendant, and for many years past bank holidays and half-day holidays have given a taste for a little too much rest. Would that it were always used aright! Again, the extension of machinery has removed from the shoulders of our working men some of the harder tasks; and whether out of regard to health or as the natural influence of better wages, there is doubtless shown a decided aversion to all slavish and protracted labour. Yet with all this we have no statistical evidence that less work is being performed. On the contrary, in every branch of industry production has largely increased. As an illustration, take the following facts regarding minerals and shipping:—

	Production 1857	Production 1882	Increase per cent.
Coal . . . . tons	63,394,707	156,499,977	146
Pig iron . . . . "	3,659,064	8,586,680	134
Shipping built . . "	250,472	760,576	204
Cotton manufactures exported (piece goods) yards	1,979,270,780	4,538,888,500	129
Iron and steel exported tons	1,532,386	4,043,308	163

No doubt this increase has been accomplished largely by an augmentation of steam power, and the extension and improvement of machinery and implements of all kinds; nevertheless human labour is as much wanted as ever, and, what is more, it is always amply available. Let us not grudge the increase of ease to our working classes. Only employers have a right to expect that what labour workmen give shall be given heartily and vigorously, and not performed in a stinted and perfunctory manner. A contract of labour for wages is essentially mutual, and should be performed loyally on both sides. Nor is it to be desired that the relations of masters and men should be of a purely mercenary character. Many founders of our colossal houses look back to the days when masters and men were working for the common good, when each and all felt deep sympathy

for the success of the work, and when each and all felt personal pride in its excellence, as the halcyon days of their prosperity.

6. *Relations of Employers and Employed.*

The relations of masters and men have in truth been much strained within the last twenty-seven years, and the conflicts between capital and labour have been keen and frequent in nearly every branch of industry. It is some time now since the illegality of combinations of labour was removed, yet not many years ago Trade Unions were not allowed to have any status in a court of justice, because part of their funds was expended in the illegal act of restraining the industries of their members. This prohibition was taken away by the 34 & 35 Vict. c. 31, 1871. Again, it was only in 1867 that the Masters and Servants Act was passed, which put an end to the power of the master to pursue criminally a labourer for any breach of contract; a proceeding exceedingly harsh, all the more that it was only on the masters' side. By that Act jurisdiction in such cases was given to Magistrates; but by the Conspiracy and Protection of Property Act, 38 & 39 Vict. c. 86, 1875, the same was transferred to the County Courts,—another evidence of the desire of the Legislature to place all persons, whether employers or employed, under equal laws. Still more recently, in 1880, the Employers' Liability Act, 43 & 44 Vict. c. 42, was passed, by which the working classes succeeded in throwing upon the employers the responsibility for any personal injury caused to them from defects in the condition of the ways, works, machinery, or plant, and from the negligence of any person in the service of their employers, together with a right of compensation for the same. Reforms such as these commend themselves now as eminently equitable and just, and yet what difficulties and objections were urged against them! Seldom, how seldom, are grievances remedied with alacrity and generosity! Years generally pass ere they are admitted to exist, and then how slow is the administration of the necessary remedies!

7. *Comparison of Wages,* 1857 *and* 1884.

With the enormous increase of wealth in the United Kingdom, the position of the working classes has likewise greatly improved. In a large number of instances working men of 1857 have become middle-class men of 1884. Many a workman of that day has now a shop or an hotel, has

money in the bank or shares in shipping or mills. Cases of rising from the ranks are by no means so rare as we might imagine. But the working men of the present day are much better off than the working men of twenty-seven years ago, for all wages are higher. In 1857 the wages of common labourers were 15*s.* to 17*s.* a week; now they are from 20*s.* to 22*s.*, showing an increase of 30 per cent. In 1857 a joiner got 27*s.*; now he gets 33*s.* 6*d.*, or 36*s.*, with piece work, showing an increase of 24 per cent. Agricultural wages have risen more than 30 per cent., from 8*s.* and 10*s.*, to 13*s.* and 15*s.* and even 18*s.* a week. Domestic servants, formerly satisfied with 9*l.* and 10*l.* per annum, now easily get 14*l.* and 16*l.* Seamen's wages have risen from 50*s.* to 80*s.* per month. But even these wages fail to give a full view of the improved condition of the labouring classes, for wherever piecework obtains, the wages average about one-eighth above day work, whilst all overtime is paid at varying rates. And we must add to this the fact that in many industries women are able to earn good wages, and children's labour is much required. Taking a comprehensive view of the entire range of industries, bearing in mind the actual rise in the rates of wages, the increasing amount of piecework and overtime, the improved earnings of women and children, and the receipt here and there from interest of money from investments, or from rent of house saved, equal to fresh income, I think I am justified in assuming that the working classes, as a whole, are in the receipt of 30 per cent. more in 1884 than they were receiving in 1857, or, in other words, that if the total weekly receipts of a family from all sources in 1857 amounted to 24*s.*, now they reach at least 32*s.* a week.

8. *Relative Progress in the Income of the Labouring, Middle, and Higher Classes.*

An improvement of thirty per cent. in the income of the working classes means an addition of many millions a year to their resources, and means also that the labouring classes have participated, at least to that extent, in the general improvement of the nation. But if this be so, what comes of the allegation that the progress of the rich goes hand in hand with the poverty of the poor? As far as I can gather from the Income Tax returns, the increase of income among the middle and higher classes consists rather in the larger number of persons in the receipt of handsome incomes, than in the accumulation of great and towering wealth in

the few, or more in the diffusion than in the intensity of wealth. In the case of the labouring classes, the improvement is visible both in the extension of the number receiving higher wages, and in the increase of general comforts and total average income. The income of the labouring classes is, moreover, much more exempt from the burden of taxation than it used to be, in comparison with that of the middle and higher classes. Forty years ago, before the commercial policy of the country was altered in the direction of Free Trade, whilst the proportion of public taxation to income for the middle and higher classes was about 7 per cent., for the labouring classes it was as much as 26 per cent. Now, whilst the proportion for the middle and higher classes is about 6 per cent., for the labouring classes it is at most 10 per cent., and *that* mainly from alcoholic drink and tobacco, the use of which is at their option to abandon at any moment. The commercial policy, which Cobden and Bright strove to introduce, and Sir Robert Peel, Earl Russell, and Mr. Gladstone fairly established, and never more to be altered, has been all in favour of the labouring classes.

9. *Expenditure of the Working Classes.*

But are our working classes, with their larger amount of income, better or worse off than they were twenty-seven years ago?[1] Are their present wages sufficient for their necessary expenses? The answer to these questions must depend, first, on the particular class of workmen, such as artisans or labourers, town or country people, to which they refer; second, on the purchasing power of the sovereign, and third, on the habits and manners of certain families, especially as regards economy or waste, temperance or intemperance, &c. It is impossible, in a general survey like this, to consider the case of each class separately, and we must be satisfied with certain general characteristics. Take the item of house rent; it is considerably dearer than it was in London, Birmingham, and other large places; but domestic servants know nothing of it. In small towns, in agricultural districts, and in fishing villages, scarcely any rise has taken place. The Rev. Charles Joseph, in his evidence before the Artisans' Dwellings Inquiry Committee, in the borough of Birmingham, in June last, gave some interesting facts on the relation of wages to house rent in Birmingham, respecting twenty families—father, mother,

[1] An interesting answer to this question as affecting the working population in Leeds, by my friend Mr. James E. Mather, will be found in the Appendix.

and an average of 3·5 children each. Their average wages amounted to 27*s.* 6*d.* weekly (exclusive of all other sources of income), and they paid on an average 6*s.* a week of rent, or in the proportion of 23·7 per cent., but the proportion varied from 15·6 to 33·3 per cent. of the wages. It appears, moreover, that sober men paid 40 per cent. more rent; and were in that degree better housed than drunken men, the average of the sober men, giving 33*s.* 4*d.* wages and 5*s.* rent, and of drunken men 31*s.* 8*d.* wages, and 3*s.* rent. And these facts respecting house rent may be taken to represent the case of most of our large towns. Yet the average relation of rental to income for the whole country cannot be taken as approaching these figures. Taking the total income of the British people at 1,000,000,000*l.*, and the total annual value of house property at 100,000,000*l.*, the proportion is 10 per cent. With house rent we should put fire, light, and local rates. Coal and gas are now both cheaper than they were twenty-seven years ago; and as for rates, they are seldom paid by the working classes, at least in a direct manner, for the higher rents of rooms include of course all rates paid by the tenants of the entire houses. In calculating the cost of food, the important fact must be borne in mind that if, on the one hand, the greater number of articles of food are cheaper now than they were, on the other their consumption is considerably greater. Sugar, tea, rice are cheaper; meat, butter, and cheese are dearer. Comparing the consumption of articles of food imported per head of the entire population, and their prices as given in the Statistical Abstract for 1871 and 1883, we have the following facts:—

	Consumption			Prices			
	1871 lbs.	1883 lbs.	Increase per cent.	1871 per cwt.	1883 per cwt.	Increase per cent.	Decrease per cent.
Bacon and Hams	5·38	10·95	103	*s.* 49·20	53·08	7	—
Butter . .	4·69	7·18	51	*l.* 5·20	5·04	—	8
Cheese . .	4·25	5·54	30	*l.* 2·75	2·72	—	1
Sugar (raw) .	41·51	61·87	49	*s.* 25·10	20·10	—	19
Sugar (refined) .	5·29	9·87	89	*s.* 36·15	27·22	—	24
Tea . . .	3·92	4·80	22	*d.* 16·44 lb.	12·46 lb.	—	26
Rice . .	7·47	12·45	66	*s.* 10·19	8·20	—	19

If the people consumed in 1883 60 per cent. more of these commodities than they did in 1871, whilst their prices have decreased less than 15 per cent., where is the economy from their cheapness?

The consumption of alcoholic drink we have already seen to be nearly the same now as in 1857, but the consumption of non-alcoholic drinks has largely increased. Lime-juice cordials, ginger-beer, lemonade, &c., constitute now important articles of consumption. And the consumption of milk has also increased. Would, indeed, that this most valuable

article of diet for adults and children alike were more abundant and purer, both from water and deleterious substances! There are no means of estimating the quantities of articles of clothing used, but their prices are considerably lower, as will be seen from the following average prices given in the Statistical Abstract for the last fifteen years, just published.

			1869		1883	Per cent. reduction
Cotton piece goods (plain)	per yard	*d.*	3·79	*d.*	2·61	31
" " (printed)	"	"	4·91	"	3·62	26
" " (mixed materials)	"	"	9·68	"	5·81	39
Woollen stuffs . .	"	"	14·52	"	9·94	31
" flannels, &c. .	"	"	17·69	"	14·82	16
Boots and shoes .	per doz. pairs	*s.*	60·82	*s.*	60·10	1

There are, however, other items besides food, drink, and clothing which must be considered. At one time our artisans and town labourers were generally living within reach of their factories and workshops. Now they are often compelled to live at two or three miles distance, and so the cost of travelling by tramways or railways has become a necessary expenditure. At one time the greater number of workmen never disturbed themselves with the education of their children. Now they are bound to send their children to school and pay for the same. Many workmen now subscribe to a trade union or friendly society, who had no such expense before. And, with the greater number of holidays, the call for an excursion to the country seems natural, involving, of course, considerable expense. It is difficult, as already stated, to compare the actual cost of living now and twenty-seven years ago, and still more to estimate how the altered circumstances affect the special position of different classes of workmen. The agricultural labourer, with a cottage for 2*l.* a year and a piece of land giving him vegetables in abundance, and the facility for keeping a pig, is very differently situated from a town labourer, paying 6*s.* a week for rent and having to buy everything. A workman in a provincial town has much less expense than one in London. The position of a man with a large family and that of a single man cannot be compared; nor that of one with a family all grown up, and several of them earning something, and of one with a family all small and at school. Above all, a workman who drinks, smokes, and wastes his money in gambling, is of course very much worse off than one who has no such vices. Still, as a test of the altered cost of living now and twenty-seven years ago, I venture on an ideal budget of a working man's family, living in a large town, and earning respectively 24*s.* a week in 1857 and 32*s.* in 1884. I have taken no account of any *extravagance*, but simply put down what may be considered

reasonable or necessary, at least with the present notion of things, and the results are as follows :—

Workman's Budget.

1857											
Receipts				Expenditure							
	£	s.	d.		£	s.	d.
Fifty weeks' wages at 24*s.* per week exclusive of other income	60	0	0	Bread, 28lbs. per week, at 7*d.* per quartern	10	12	0
Deficiency	3	2	8	Meat, 4lbs. per week, at 8*d.* per lb.	6	18	8
				Butter, 1lb. per week, at 1*s.* 2*d.* per lb.	3	0	0
				Cheese, ½lb. per week, at 9*d.* per lb.	0	19	0
				Sugar, 3lbs. per week, at 5*d.* per lb.	3	5	0
				Tea, ½lb. per week, at 4*s.* per lb.	5	4	0
				Vegetables and potatoes	2	0	0
				Milk	2	0	0
				Eggs	1	0	0
				*Drink, at 2*s.* a week	5	4	0
				Coal and gas	2	10	0
				House rent at 4*s.* per week	10	0	0
				*Tobacco, 1*s.*	2	10	0
				Clothing	4	0	0
				Furniture	1	0	0
				Travelling and amusements	1	0	0
				Sundries, church, doctor, &c.	2	0	0
£63	2	8		£63	2	8	

1884							
Receipts				Expenditure			
	£	s.	d.		£	s.	d.
Fifty weeks' wages at 32*s.* per week, exclusive of other income	80	0	0	Bread, 28lbs. per week, at 6*d.* per quartern	9	2	0
				Meat, 5lbs. per week at 10*d.* per lb.	10	16	0
				Butter, 1lb. per week, at 1*s.* 6*d.* per lb.	5	17	0
				Cheese, ½lb. per week, at 10*d.* per lb.	1	2	0
				Sugar, 3lbs. per week, at 3*d.* per lb.	1	19	0
				Tea, ½lb. per week, at 2*s.* 8*d.* per lb.	3	9	0
				Vegetables and potatoes	2	0	0
				Milk	2	10	0
				Eggs	1	10	0
				*Drink, at 2*s.* a week	5	4	0
				Coal and gas	2	0	0
				House rent at 6*s.* per week	15	12	0
				*Tobacco, at 1*s.*	2	10	0
				Clothing	4	0	0
				Furniture	1	0	0
				Travelling and amusements	3	0	0
				Sundries	2	10	0
				£74	1	0*	
				Surplus	5	19	0
				80	0	0	

* The expenditure for drink and tobacco, though assumed, must not be considered as necessary, for it is at most a simple luxury, all the less justifiable where the wages are low.

If I am right in this estimate, it will be seen—First, that the proportion of expenditure in the two periods was as follows:

	1857 per cent.	1884 per cent.
Food and drink	65·57	61·97
House rent, fire and light	20·47	24·78
Other expenses	13·96	13·25
	100·00	100·00

so that what is gained in the cost of food goes mostly in additional house rent. Second, that, whilst in 1857 such a family could not make the two ends meet, in 1884 they may have a surplus of 5*l.* 19*s.*, and if in the interval the family have given up the use of alcoholic drinks and tobacco, their surplus will amount to about 13*l.* 13*s.* or 17 per cent. a year. But this is, after all, an ideal budget. In truth the whole question whether, under any circumstance, a family with a large or small income is likely to be rich or poor, happy or unhappy, depends on good or bad management and household economy, on well-sustained thrift, or on waste and extravagance. Well might Robert Burns in one of his letters say:

'O Frugality! thou mother of ten thousand blessings! Thou cook of fat beef and dainty greens, thou manufacturer of warm Shetland hose and comfortable surtouts! Thou old housewife darning the decayed stockings with thy ancient spectacles on thy aged nose! Lead me where the sunny exposure of plenty and the hot walks of profusion produce those useful fruits of luxury, exotics in this world and natives of paradise.'

10. *Moral Effects of High and Low Wages.*

It has been alleged that high wages only lead to extravagance and folly: for my part I see no reason for such a proposition. As a rule, and in the long run, scarcity of work, low wages, and scantiness of food, go hand in hand with high mortality, drunkenness and crime; while abundance of work, high wages, and full consumption, go hand in hand with low mortality, temperance, and good behaviour. The relation between times of scarcity and dear bread and crime and insurrection has often been observed; dear bread and cheap bread being taken as the symbols of scarcity and abundance. But high or low wages are a better standard by which to measure the condition of the people than the value of bread, inasmuch as they command more or less of all the comforts of life.

Let an illustration pregnant with lessons suffice. In the five years, from 1857 to 1861, the total amount of imports and exports to and from the United Kingdom averaged £12 1*s.* 0*d.* per head of the population, and the number of offences against the person and property in England and Wales was in the proportion of 7,647 per 1,000,000 persons, or in the relation of thirty-one offences to every shilling of trade. In 1882, when the trade of the United Kingdom increased to £20 7*s.* 10*d.* per head of the population, the number of such offences diminished to 6,566 per million, giving a proportion of sixteen offences for every shilling of trade. In 1862–66, years of the great cotton famine, the number of persons committed for trial in Lancashire was in the proportion of 1·34 per 1,000. In 1872–76, years of great prosperity, the proportion of committals was 0·98 per 1,000. And were not the recent dreadful agrarian outrages in Ireland the direct results of successive bad harvests? A sudden large increase of wages, as in the colliery districts in 1872–73, may find the recipients utterly unprepared for their good fortune. And so we have heard of miners indulging in Champagne wine, and of puddlers purchasing for themselves sealskin waistcoats. But reason speedily asserts her higher sway. The housewife eagerly arrests a portion of the higher wages to furnish the bare rooms, to fill the empty cupboard, and to clothe the children. Little by little, as the novel condition with its bountiful stores is realised, self-respect increases, sobriety of conduct is induced, and the family as a whole rises to habits of virtue and propriety.

11. *The Law of Wages and Profit Sharing.*

The hard lines laid down by political economists, that the rates of wages must depend on the supply and demand of labour, and on the amount which the employer can afford to give in the shape of wages, are complained of and protested against by some of our working men, and the theory has been propounded that workmen ought to participate in a more direct manner in the produce of their own labour, be it by the master agreeing to give them a percentage of their profits over and above their wages, or by the workmen becoming themselves masters by means of co-operative companies for production. The concession in some cases of a percentage of the profits of labour in addition to the ordinary wages would doubtless give a great incentive to industry and improvement. I doubt, however, whether profit sharing could be made general or obligatory. If the workman is

to acquire a right to a participation of the profits and loss, and consequently a right to an account, practically he would become a partner; but can we expect masters to take all their men into partnership, and to bind themselves to the publication of their affairs to the extent involved? If the workman is to be entitled to a share of the profits, would he not have to bear his share of any loss? This seems, indeed, involved in the principle of arranging the rate of wages by reference to the profits of the master. In any case such a system could at most apply to foremen or permanent workmen, and never to the great body of workers who constantly migrate from place to place. Co-operative companies for production have in many cases succeeded well, but in many other cases the results have been very disappointing. The difficulties, I apprehend, are the want of able and trustworthy men to manage the work profitably, the danger of loss which workmen can ill sustain, and the want of capital great enough to carry on operations on a large scale, the only mode of securing economy so indispensable for profitable investments. It is, however, proposed to convene an industrial remuneration conference at the commencement of next year, to consider these questions with a view to ascertain by what means the labouring classes may more fully share in the products of industry, and, as a member of the committee nominated by the Statistical Society for the conduct of that conference, I earnestly trust it may help us to the right determination of the difficult problems of economic science involved in the relation of capital and labour.[1]

[1] The following are some of the points which will be brought forward for discussion at the Conference:—

1. The existing system by which the products of industry are distributed.
2. Do any artificial and remediable causes influence prejudicially
   (*a*) the stability of industrial employment?
   (*b*) the steadiness of rates of wages?
   (*c*) the well-being of the working-classes?
3. How far, in what manner, and by what means would the more general distribution of capital contribute, or not contribute, to
   (*a*) an increase in the products of industry?
   (*b*) the well-being of the classes dependent upon the use of capital? (Co-operative production, profit-sharing, &c.)
4. How far, in what manner, and by what means, would a more general ownership of land (peasant proprietorship), or of an interest in land (tenant right), conduce, or not conduce, to
   (*a*) the increased production of wealth?
   (*b*) the welfare of the classes affected by the change?
5. Does existing legislation, or the incidence of existing legislation, affect prejudicially
   (*a*) the production of industrial wealth?
   (*b*) the well-being of the classes engaged in the production?

12. *Investments of the Working Classes.*

The real and best hope of the labouring classes must ever depend on the skilful administration of their earnings, and on the right investment of their savings; and what has been accomplished in this direction may be gathered from the following facts. In 1857, the capital of the Trustees Savings Banks amounted to 35,000,000*l.* In 1883, the capital of the Trustees and Post Office Savings Banks combined amounted to 86,756,000*l.* But besides this, in 1883, the Building Societies had 47,000,000*l.*, and the Friendly and Industrial Societies 20,600,000*l.*; making a total of about 154,000,000*l.*, of which one-third at least may be taken to belong to the working classes. Nor is this all, for I find that the Yorkshire Penny Bank had in 1883 as much as 1,596,000*l.* to the credit of its depositors, while not a few of the labouring classes have shares in ships and mills, and houses of their own, besides their interest in Building Societies, to say nothing of the property invested in the furniture of the homes of the working classes, many of them being models of fitness and neatness. In the investment of small savings the chief considerations must ever be safety, availableness, and increase: safety; for what has been set aside by hard sacrifices and careful economies must not be lightly hazarded: availableness; for the working man moves from place, and may some day emigrate to the far west or the antipodes. Increase I have put third in order; still it must be sought, so that it may assist in however small a manner the wants of the family. Money deposited in the Savings Banks is safe and available at any time. The Friendly Societies, with their provisions for sickness, old age, and burial, must ever be useful and popular, though care should be taken in the selection of the particular society, for many of them are in an unsound position. And Building Societies, whether with a view to building a house for oneself or for investment, are likewise attractive. Where the workman is well settled in a locality and can afford it, the purchase of a house may well engage his earliest attention.

13. *Prospects of the Labouring Classes.*

It is time, however, for me to draw these observations to a close. Taken as a whole, the working classes of the United

(*c*) the natural or the most beneficial distribution of the accumulating products of national industry? (including succession duties, friendly societies, insurance, &c.)

Can any of these be promoted by changes in existing legislation or taxation?

Kingdom may be said to be stronger in physique, better educated, with more time at their command, in the enjoyment of greater political rights, in a more healthful relation towards their employers, receiving higher wages, and better able to effect some savings in 1884, than they were in 1857; and if they are not satisfied with remaining at home on these conditions, their field of labour is wider than ever, emigration agents making the most tempting offers for their transport to the land of promise. I am not given to indulge in fancies or poetry. I prefer, with Swift,

> Leaving the wits the spacious air,
> With license to build castles there.

And I must remember that 'if the young dreamer glowering in the fire, laughing at the gusty flame, builds castles in the air, older eyes than his are dazzled by a glare, hearts are broken, and heads are turned with castles in the air.' There is not much danger, however, in predicting that the future of the working classes is likely to be brighter than the past. It is something to say, that the era of servitude and ignorance and the era of monopoly and privilege are past and for ever. But it is satisfactory to think that educated labour is likely to be in greater and greater request. Desponding minds see in any temporary diminution of trade and manufacture a sign of decadence and eventual relapse of British industry. I have no such fear. The world was never so open as it is now, despite the exclusive tariffs which improvident Governments have enacted, and the thousand millions and more of persons inhabiting it have scarcely realised the wealth that lies under their feet, and the vast benefits arising from intercommunion and commerce. The *rôle* of England may not be to provide France, or Italy, Germany or the United States, with merchandise which they can produce better for themselves. But by keeping pace with the advance of industry, she will be always able to supply the millions of the human race with products of universal utility, while, with the wide ocean ever open to her seamen, she will for the future, as she has been in the past, be the trafficker of the earth, the carrier of the world. Nor will British workmen linger behind if, rising to a level with their opportunities and privileges, they will secure for themselves a position suited to their rights and aspirations.

Methinks I see, at no great distance of time, the great volume of the labouring classes slowly, yet surely, by improvement and by emigration, yield to softer influences,

waste and intemperance rebuked and vanquished, the wretched hovel and polluted atmosphere no longer sapping the strength and morals of the people. Methinks I see the British labourer in the enjoyment of a fair share of material comfort and intellectual culture, with manners more refined and morals more elevated, leading a laborious and dignified life; and in all public questions exercising an appreciable and wholesome influence.

APPENDIX.

Memorandum kindly contributed by JAMES E. MATHER, Esq., *Leeds.*

With regard to the first question:—'Do the working classes receive more wages in a week than they did twenty-seven years ago?'

Every one I have inquired of, without exception, agrees that they receive more; and most, that the advance is considerable, though, of course, there are cases of hardship now where mills have been closed through bankruptcy, or, in some cases, where firms who have money have preferred the loss through winding up to the loss in running. Even now the wages of those in work are considerably greater than they were any time about 1857.

To the second question:—'Has the advance been a real benefit?' the answer is not so unqualified.

One gentleman, a wholesale shoe manufacturer, declares that it has not. That his own workpeople spend so much more money—the men in drinking and gambling, the girls in extravagant dress—that they are, on the whole, worse off than when they had smaller wages, with which they were compelled to be careful, though even he admits that they possess more assets in the shape of furniture and clothing.

But very few people I have met with are disposed to take so gloomy a view, and possibly his is one of the trades in which the workmen are rougher and more reckless than in most others. A woollen manufacturer, on the other hand, who has given attention to the subject, declares that with the spread of education the reckless and depraved class are rapidly diminishing. 'The working classes have,' he says, 'much more to spend, and they do spend it pretty freely; but they are spending more on good and wholesome objects and less on what is hurtful than they did ten years ago.' He thinks the expense of trips and going to the seaside, which they so largely indulge in—the whole family going together—good for health, and a civilising agency.

Another manufacturer, who owns a large mill and eighty cottages a few miles out from here, says the actual wages are not much different from what they were in 1857, but the purchasing power is very much greater, 20*s.* going as far now as 26*s.* then—almost everything cheaper,

except beef—even rent, flour, sugar, &c. very cheap; clothes cost less *complete* than the making cost then. There is more saving, they are better housed, and the houses better furnished. There is also a great improvement in their home life, their habits more refined, less drunkenness—they prefer spending their money on going to the seaside. A large building society, of which he is a trustee, holds a large amount of their savings. His rents are well paid.

I have consulted a young man who has been from boyhood in the iron manufacturing and engineering business. Of a careful turn, he has built a house for himself with the aid of a building society, and takes an interest in all that concerns the welfare of the working class. He says the increase of wages is undoubtedly large, and, though there is a class to whom increased wages only means more to spend on the man's own gratification, there is in general a great advance in material comfort. Merely to judge by the open house-doors he passes, there is a very great improvement in the twenty years or so he can recollect, —better houses, and better furnished.

He considers the fact that so many people could go on excursions on the late Bank Holiday a proof of improved position, even though some portion could not fairly afford the expenditure; the fact that it was possible for so many to avail themselves of the excursions means a material advance. I have inquired of a man who owns a good many cottages in a densely populated working-class part of Leeds. He says his cottages he used many years ago to get 3*s.* 6*d.* per week for all let easily at 4*s.* 6*d.*, and even 5*s.* He has never had to reduce them because they are near so many large works, but a larger house he has empty will not let at all, and he will be obliged to divide it into two cottages, when it will let at once. He says that those who are willing to walk some distance can get houses at a reduction. Most of my informants say the working class are decidedly better off, and spending accordingly very freely. They all notice the large amounts spent on trips to the seaside, &c.; but one millowner said, 'Where there is a family and they are all in full work they are very well off.'

I hope the most favourable accounts of their savings are correct, as without a speedy and great revival in trade I anticipate bad times for them in the early future. I do not think that any trade can long pay to the workmen adequate wages when the manufacturer is getting less than nothing. I have made inquiry about the large class of shopmen and assistants, who do not come exactly under the heading 'in receipt of weekly wages.' My informant, a draper, was for many years a shopman. He says they with difficulty get the same wages as he got in 1861. There has been a great influx into the trade, the children of rather a different class; in fact, the spread of education has done away with the distinction of classes. The rank and file are getting no more, but with the increase in establishments there is a great increase in the number of buyers, heads of departments, and so forth, and, as I understand, larger salaries than of old; these constitute the prizes of the trade.

On the Same.

By E. Vansittart Neale.

THE question to which this Paper attempts to give an answer is so vast and complicated, that to answer it with any degree of completeness would require, not a paper, but a volume, if not a series of volumes. In its literal meaning it takes in the great body of mankind, the twelve or thirteen hundred millions who are calculated to constitute the human population of our planet. To grapple with such a question would need the genius of a Humboldt, and a store of information correspondent to the capacity of dealing with them of such a genius. It is quite beyond the limits of my knowledge or power. Even if we confine our range of inquiry to the United Kingdom, as I suppose those who have framed this question intended, the difference between Great Britain and Ireland, and in Great Britain between the agricultural and the manufacturing population, between north and south, is so great that it is impossible to do more within the limits of the present paper than to point out some of the most important and comprehensive considerations bearing upon it, leaving those who feel an interest in the subject to apply them according to their own knowledge and judgment.

The considerations to which I have alluded appear to me to resolve themselves into two great heads :—

1st. What in the current coin of the realm is the amount that, say, a week's labour will earn now as compared with what it would have earned in 1857, with which it is desired to compare the present time?

2nd. How much of the advantages which make up the sum of material comforts will these earnings obtain *now*, as compared with those they would have enabled their possessors to obtain in the last-named year?

These questions have been mixed up of late with another which has caused a great deal of attention through the assertion made in the celebrated work 'Progress and Poverty' by Mr. Henry George, that in the present state of society 'the rich are growing continually richer, and the poor poorer'—the question of the comparative distribution of wealth. 'Do the working classes—meaning by that name those who live by present manual labour—receive, relatively to the classes who live mainly upon or by the use of those accumulated results which we are accustomed to call capital, an increasing or a decreasing proportion of the wealth which every year sees arise from the conjoined application of past and present work?'

This question has been recently treated with great knowledge and ability by Mr. R. Giffen in his inaugural address to the Statistical Society in 1883, since subjected to a critical examination by two very competent judges: Mr. L. Jones in the pages of the 'Co-operative News,' and a writer in the Annual published by the Co-operative Wholesale Society for 1884, whom I believe that I may safely identify with Mr. W. Nuttall, now Secretary and Manager of a great co-operative society recently formed at Melbourne, in Victoria. It would occupy too much of my space to enter at any length into Mr. Giffen's statements; but one part of them I cannot avoid considering in some detail, because, if it could be sustained, it would render the inquiry into which I shall subsequently enter useless. Mr. Lloyd Jones has complained that the data from which Mr. Giffen bases an estimated increase of 100 per cent. on the average, in the earnings of the working-classes during the period between 1830 and 1880, are exceeding scanty—very far indeed from the fulness of detail which might be reasonably expected from a gentleman in the position of Mr. Giffen.

But it is not to these data that I refer, but to the statement for which I can discover no foundation—namely, the enormous addition to the total estimates of income of the United Kingdom previously current—made by Mr. Giffen, which constitutes the foundation of his most startling conclusions.

Mr. Giffen tells us that between 1843 and 1883 'the working income not included in the Income Tax returns had increased 385,000,000*l.*, in addition to a working income included in these returns of 180,000,000*l.*'

To avoid any imputation of misrepresentation I add in full the table where this remarkable statement occurs, taken from p. 29 of the pamphlet in which the article referred to above is re-published:—

Progress of National Income in Millions of Pounds.

	1843	1882	Increase	
			Actual	Per Cent.
	£	£	£	£
A. Capital classes from capital .	180	400	210	110
B. Working Income in Income Tax Returns	90	180	90	100
C. Working Income not in Income Tax Returns . . .	235	620	385	160
Total	505	1,200	685	370

Now, no doubt, the process by which Mr. Giffen deduces the progress in wealth of the classes whose incomes are not subject to income tax between 1843 and 1883 is, arithmetically, unobjectionable. Unquestionably, if we deduct 235 millions from 620 we have a difference of 385. But what evidence is there that the incomes of the classes not liable to income tax were in 1843, 235 millions; and that in 1883 they had risen to 620 millions? I look in vain to Mr. Giffen's address for my answer, and confess that I am doubtful as to the first question, and quite sceptical as to the second, for reasons which I am about to state.

In 1868 the late Mr. R. Dudley Baxter, in his well-known paper on the 'National Income and Expenditure,' from a most careful and elaborate computation of earnings of every description of manual labour not subject to income tax, which then began at 100*l.* a year, deduced the following table of the annual income of the United Kingdom, and its distribution among the two great classes into which he divides the income-receivers: those whose income is not, and those whose income is, mainly derived from manual labour:

CLASS I.—*Persons who have, independently of manual labour, annual incomes.*

	Persons	Total incomes	Average income					
			Annually			Weekly		
		£	£	s.	d.	£	s.	d.
England & Wales.								
a Over 5,000*l* .	7,500	114,104,000	14,813	17	4	284	17	7
b 5,000*l.*—1,000*l.* .	42,000	69,440,000	1,633	17	7	31	8	5
c 1,000*l.*—300*l.* .	150,000	72,910,000	486	1	4	9	6	11
d 300*l.*—100*l.* .	850,000	93,746,000	110	5	9	2	2	5
e Under 100*l.* .	1,003,000	66,600,000	59	16	4	1	8	3
Total . .	2,053,000	407,200,600	198	6	10	3	16	3
Scotland.								
a Over 5,000*l.* .	600	10,068,000	16,780	0	0	322	13	10
b 5,000*l.*—1,000*l.* .	4,100	8,505,000	2,074	9	0	39	17	10
c 1,000*l.*—300*l.* .	13,900	7,464,000	536	19	6	10	6	6
d 300*l.*—100*l.* .	97,400	8,679,000	89	2	0	1	14	3
e Under 100*l.* .	156,000	7,800,000	50	0	0	0	19	3
Total . .	272,000	42,516,000	156	6	2	3	0	1
Ireland.								
a Over 5,000*l.* .	400	4,985,000	12,462	10	0	239	13	3
b 5,000*l.*—1,000*l.* .	2,700	5,379,000	1,992	4	5	38	6	3
c 1,000*l.*—300*l.* .	14,400	7,347,000	510	4	2	9	16	3
d 300*l.*—100*l.* .	78,500	8,527,000	108	12	5	2	1	10
e Under 100*l.* .	338,000	13,520,000	40	0	0	0	15	4
Total . .	434,000	39,758,000	91	12	2	1	15	3

CLASS II.—*Persons whose income depends on manual labour.*

	Persons	Total incomes	Average income					
			Annually			Weekly		
		£	£	s.	d.	£	s.	d.
England & Wales.								
a Higher skilled labour . .	1,123,000	56,149,000	50	0	0	0	19	3
b Moderately skilled labour . .	2,819,000	102,937,000	36	10	4	0	14	0½
c Unskilled labour and agriculture	3,843,000	95,643,000	24	17	9	0	9	6½
Total. .	7,785,000	254,729,000	32	14	5	0	12	6½
Scotland.								
a Higher skilled labour . .	137,000	6,454,000	47	2	3	0	18	2
b Moderately skilled labour . .	558,000	16,543,000	29	12	11	0	11	5
c Unskilled labour and agriculture	427,000	8,750,000	20	9	10	0	7	10
Total. .	1,122,000	31,747,000	28	5	10	0	10	10
Ireland.								
a Higher skilled labour . .	85,000	3,750,000	44	2	4	0	16	11½
b Moderately skilled labour . .	710,000	16,188,000	22	16	0	0	8	9½
c Unskilled labour and agriculture	1,259,000	18,231,000	14	9	7	0	5	7
Total. .	2,054,000	38,169,000	18	11	7	0	7	1½

Several interesting results may be deduced from a comparison of the figures in this table. I confine myself to one bearing immediately on the question now under consideration.

If we take the total income of each of the three kingdoms in succession, in the inverse order of their wealth, and compare the mode in which it is distributed between the two great classes into which Baxter divides it, we obtain the following figures:—

	Persons	Annual income	Average income					
			Annually			Weekly		
		£	£	s.	d.	£	s.	d.
Ireland—Class I. . .	434,000	39,758,000	91	12	2	1	15	3
" " II. . .	2,054,000	38,169,000	18	11	7	0	7	1½
Total . .	2,488,000	77,927,000	31	6	5	0	12	0½
Scotland—Class I. . .	272,000	42,516,000	156	6	2	3	0	1
" " II. . .	1,122,000	31,747,000	28	5	10	0	10	1
Total . .	1,394,000	74,263,000	53	5	6	1	0	6
England and Wales—								
Class I. . .	2,053,000	407,200,000	198	6	10	3	16	3
" " II. . .	7,785,000	254,729,000	32	14	5	12	6	0½
Total . .	9,838,000	661,929,000	67	5	7	1	5	11

It will be seen that the income per head of the whole income-receiving population in England is more than double that of Ireland; 31*l.* 6*s.* 5*d.* in the latter, against 65*l.* 5*s.* 1*d.* of the former. How is this surplus income distributed? The tables show that it has gone mainly to increase the incomes of the richer classes.

Of the 77,927,000*l.* assumed by Mr. Baxter to be the total revenue of Ireland, 38,169,000*l.*, 48·98 per cent., is absorbed by the earnings of those who depend on manual labour, leaving 39,758,000*l.*, 51·02 per cent., for the incomes independent of this source, which are estimated to yield to their possessor an average income of 91*l.* 12*s.* 2*d.* a year. But, of the 661,928,020*l.* of English income, 407,200,000*l.*, 61·51 per cent., or more than 6·10 of the whole, is appropriated by the owners of incomes independent of manual labour, leaving only 254,729,000*l.*, 38·49 per cent. of the whole, to the class dependent upon their labour for their subsistence. The figures are still more striking if we take into account the numbers of the different classes, as well as their incomes. The average income per head of the classes supported by manual labour in England is higher than that of the same classes in Ireland, in the proportion of 32·720 to 18·562. It has risen 77·77 per cent., a little over three-fourths. But the income of the classes not dependent for manual labour has increased from 91*l.* 12*s.* 2*d.* to 198*l.* 6*s.* 10*d.*, or 117·58 per cent. That is to say, while the poorer classes in England are less than twice as well off as the same classes in Ireland,

the richer classes in the former country are more than twice as well off as the same classes in the latter.

The case of Scotland is intermediate between England and Ireland both in respect to the total incomes of its population and to the distribution of this income between the two great classes with which we are dealing. Of its 74,263,000*l.* of total income, 31,747,000*l.* (42·72 per cent.) falls to the classes dependent on manual labour, leaving a total income of 42,516,000*l.* (57·28 per cent. of the whole) to the classes not dependent on manual labour, to whom it yields an average income of 156*l.* 6*s.* 2*d.* a year, against an average of 28*l.* 5*s.* 4*d.* belonging to the classes who are thus dependent. Taking Ireland as basis, we find that the incomes of the first classes have increased in the proportion of 91*l.* 12*s.* 2*d.* to 156*l.* 6*s.* 2*d.*, or 71·42 per cent., while the incomes of the classes dependent on manual labour have increased from 18*l.* 11*s.* 2*d.* to 28*l.* 5*s.* 10*d.*, or 52·79 per cent.; which is only 24·98 per cent. less than the English rate of increase, and against 46·16 per cent. by which among the richer classes the rate of increase of English income over Irish income surpasses that of Scotch over the same datum line. In neither case do the figures bear out Mr. Henry George's startling assertion, that under the operation of our present social system 'the poorer classes are continually growing poorer, while the richer are growing richer.' But they appear to furnish, on a scale so large as to eliminate the probabilities of any considerable error, evidence that, under this system, the wealth of the richer classes has a decided tendency to increase at a rate higher than its rate of increase among the poorer classes.

For this reason I am altogether sceptical as to the increase of 160 per cent. assumed by Mr. Giffen to have taken place in the incomes not charged to income tax, between 1843, when the income tax returns began, and the present time, even supposing the 235,000,000*l.* assumed as his starting point to be rightly taken. But is this the case? I doubt it. Mr. Baxter, in 1868, estimates the income of the classes dependent on manual labour at:

For England and Wales	£254,729,000
" Scotland	31,747,000
Ireland	38,169,000
Total .	£324,645,000

But between 1843 and 1868 the population of Great Britain had increased 55·6295 per cent.[1] Supposing the rate

[1] In 1841, 18,917,709; in 1871, 29,432,302; increase 10,514,301.

of wages prevailing in 1843 to have remained unchanged till 1868, the mere increase of the population would have raised the 235,000,000*l.* in these twenty-five years by about 40 per cent., or to 339,000,000*l.*, *i.e.* 5,000,000*l.* more than the sum at which Mr. Baxter estimates them in the last year, without leaving any margin for the increase due to the increased ratio of wages, which is generally admitted to have taken place since 1830 to a considerable amount.

In 1877 another very competent authority, Professor Leone Levi, in his lectures on 'Work and Wages,' estimated the earnings of the working classes in the United Kingdom at 400,000,000*l.* But between 1868 and 1877 we have nine years interval, during which the total income of the wages received would have increased upon Mr. Baxter's estimate about 10 per cent., or 32,400,000*l.*, from the growth of the population, without any addition to the rate of wages. Add this sum to the 324,645,000*l.* estimated by Mr. Baxter, we get a total of 357,645,000*l.*, leaving about 44,000,000*l.* per cent. for differences in the rate of wages, or in the mode in which Mr. Leone Levi seems to have calculated earnings from that adopted by Mr. Baxter, who, in the estimate of 324,645,000*l.* above quoted, carefully allows for what I think is not always considered, to how large an extent the actual earnings of the working-man are often diminished below the normal rate of wages by irregularity of employment, and power gradually diminishing on the descending side of life.[1]

On the whole, then, I am inclined to take the estimate of Mr. Dudley Baxter in 1868 as more reliable than those either of Professor Leone Levi or of Mr. Giffen. I have endeavoured to supplement them, in the annexed tables, by such information as I have been able to collect during the short time that has elapsed since I was asked to write these pages, taking as starting-point for comparison the esti-

[1] This estimate of 400,000,000*l.* is 18,000,000*l.* below that made by Professor L. Levi in his book on the 'Working Class.' 'But that,' observes Mr. Dudley Baxter, 'was made before the present lowering of wages caused by the financial disasters, and gives a very insufficient allowance for loss of work and old age, calculating nearly full time for all ages up to sixty years.'—*Taxation of the United Kingdom*, p. 116. Professor Leone Levi himself in great measure justified this criticism by reducing the 418,000,000*l.* of 1865 to 400,000,000*l.* in 1877; although the increase of population, noticed above, would have raised the total income of the working class from 418,000,000*l.* to 460,000,000*l.* in the period, if this income had been in 1865 what Mr. Leone Levi supposed and had continued at the same scale per head till 1877. Mr. Mulhall, who has recently published a dictionary of statistics, assigns to the working classes of the United Kingdom an income of 447,000,000*l.*, out of 1,265,000,000*l.*, estimated total income of all classes in 1883. This is only 35·84 per cent., against 39·64 per cent. assigned to the same classes by Mr. Baxter; but I do not know on what data Mr. Mulhall founds his estimate.

mates made in 1859 by Mr. David Chadwick after an extensive and carefully conducted inquiry, and published in the valuable paper on the rate of wages in Manchester and Salford and the manufacturing districts of Lancashire in 1839–1854, read by him at the meeting of the Statistical Society, December 20, 1859, to which he has had the kindness to call my attention.

The results of this inquiry, ably summed up by Mr. Chadwick, though in a passage somewhat too long to quote, show the great caution requisite in dealing with questions so complicated as those relating to the price of labour must be in a country where, as in the United Kingdom, all the elements that determine it are in a constant state of flux; where, by the introduction or improvement of our labour-saving processes and increased facilities for transport, the cost of production or distribution is continually being reduced; while, on the other hand, these very labour-saving processes constantly improve the position of those actually engaged in them, sometimes by substituting skilled for unskilled labour; sometimes by finding remunerative employment for classes of persons—women and young persons, boys or girls—to whom the more primitive form of industry, if it often exacted from them hard labour, gave little pay; and sometimes, and that to an enormous extent, by the growth of new industrial operations in which the labour superseded by labour-saving processes in former employment is again employed in other ways. In England, for instance, during the period to which this paper relates, there has arisen in connection with the formation, maintenance, and working of railways an entire group of industries almost unknown forty years since, and but little affected, in their action for giving increased employment, by the industries connected with the ancient modes of conveyance which they have succeeded, since these still continue to give occupation to large bodies of workers. How vast has been the amount of industrial occupation thus provided we shall somewhat realise from the following figures relating to the progress of railways in the United Kingdom:—

Year	Miles opened	Passengers conveyed	Gross receipts	Expenses
1850	6,621	72,844,422	£13,204,668	—
1860	10,433	163,435,678	27,760,622	£13,187,368
1870	15,537	375,220,754	45,078,143	21,715,525
1880	17,933	603,885,025	65,491,625	33,601,124
1882	18,457	654,838,295	66,537,128	36,170,436

A similar tale is told by the progress during the same period of steamship-building, which certainly has not extinguished the sailing-ship-building which gave employment to former generations of workers, though it has, no doubt, prevented this industry from increasing to the extent to which it would have grown if the rival mode of constructing vessels had not been introduced. The statistics following may enable us somewhat to enter into these operations:—

Tonnage of British Merchant Shipping.

Year	Sailing ships	Steamships
1860	4,134,390	452,852
1870	4,506,318	1,114,375
1880	3,799,221	2,720,551

Agricultural operations remarkably illustrate the same sort of fact. The proportion of the population directly employed in this most important branch of industry has steadily diminished during the period with which we are dealing. But against this diminution must be set the increase in the number of persons engaged in the manufacture of the machines employed in agricultural operations, of which the number and importance have during the same period perpetually augmented, to say nothing of the number of those concerned in the use of those machines which are hired by the cultivators instead of being purchased by them, who, I conceive, are placed in our statistical enumerations among the persons employed in manufacture.

The attempt to indicate with any degree of completeness the effect upon the position of the worker of these changes in the direction of industry, would involve us in an interminable inquiry. I confine myself on this head to noticing two remarkable and recent cases of the growth of industries before unknown—(1) The development during the last twenty-five years of photography, with its manifold applications to industry. (2) In quite recent times the rise of what is already becoming a considerable industry—the manufacture of bicycles and tricycles, which probably has not led to a single horse or carriage kept before being no longer used; but must certainly have led to a continually increasing number of skilled workmen being occupied in their construction and repair.

It must be admitted that such developments of existing industries, or rise of new sources of employment, tend to bring about the condition where, to use a forcible saying of

the late J. S. Mill, 'ten employers shall run after one man instead of ten workers after one employer'; which, assuming that the progress of humanity depends on the free development of the natural principle of struggle, would be for the working population the realised millennium. On the other hand, against these benefits conferred on industry by invention, we have diminished employment, due to the continual introduction of new inventions, by which one man can do what it took two men to do previously, so that the advent of the working millennium is thrown back. Setting the one tendency against the other, we may, I think, fairly say that our general experience of the results produced within the last quarter of a century, by a development of this principle of unlimited industrial struggle greater than any previous age can show, suffice to prove that the way to the millennium does not lie along this road. Still such facts as those adduced above do, I think, indicate that the natural element of struggle does not altogether lose in the world of reason the beneficial influence attending it in the world of nature—and that, on the whole, the position of the great body of the population in our own country during the last quarter of a century has improved in their command over that common medium of exchange by which the operations of modern industry are carried on—money. The tables appended to this paper, which contain the combined results of statements relating to parts of the country widely separate, made in each district by persons well acquainted with the remuneration of labour in the district and for the trades to which their statements relate, attest generally a rise, often very considerable, in the rate of wages, accompanied by a marked diminution in the hours of labour. But the improvement in the condition of the working classes during the period with which we are dealing is due, I believe, quite as much to the indirect operations of a class of facts of a different nature, which I am about to consider. As to the improvement itself I may observe that it is frankly admitted by the writer in the Annual of the 'Wholesale' for 1884, to whom I have alluded above.[1] 'We entirely agree,' he says, 'with Mr. Giffen's statements as to the improvement. No persons are better acquainted with the facts than the co-operative body, especially its older members. Progress has been indisputably made during the last thirty or forty years in the homes of the people. Houses are more substantial, neat and roomy, and many more own

[1] Page 21.

their own houses. Furniture is more costly and tasteful. Food also has greatly increased in quantity and improved in quality, and many articles regarded as luxuries thirty years since are now considered necessary.'[1] But the cause of this improvement is, I believe, to be found not only in the increase of the income earned by manual labour, but also (1) in the great reduction during the last forty years in the price of the articles which that income could purchase; (2) in the increased share of the accumulated wealth of the country which the working classes have acquired during the same period—in other words, because a considerably larger proportion of them must now be more or less ranked among the owners of capital than could have been thus classed at the commencement of this period.

Let us briefly consider each of these points.

I. Among the valuable tables contained in the appendix to the paper by Mr. Chadwick referred to above is one giving the weekly expenditure, in 1859, of a Lancashire family of husband, wife, and three children, with an average total wages of 30*s.* a week. It is as follows :—

Articles	Prices	Total
	s. d.	*s. d.*
(1) *Bread, Flour, and Meat.*		
8 4-lb. loaves . .	0 5½	3 8
½ peck meal . .	1 8	0 10
6 lbs. flour . .	1 8	0 10
Total . . .	—	5 4
(2) *Butchers' Meat and Bacon*		
5 lbs. butchers' meat	0 6½	2 8½
2 lbs. bacon . .	0 8	1 4
Total . . .	—	4 0½
(3) *Potatoes, Milk, and Vegetables.*		
2 score potatoes . .	1 0	2 0
7 quarts milk . .	0 3	1 9
Vegetables . .	—	0 6
Total . . .	—	4 3

Articles	Prices	Total
	s. d.	*s. d.*
(4) *Groceries, Coals, &c.*		
½ lb. coffee . .	1 4	0 8
¼ lb. tea . . .	4 0	1 0
3 lbs. sugar . .	0 5	1 3
2 lbs. rice . . .	0 3	0 6
1 lb. butter . .	1 1	1 1
2 lbs. treacle . .	0 2½	0 5
1½ lb. soap . . .	0 4	0 6
Coals	—	1 0
Candles . . .	—	0 6
Total . . .	—	6 11

		£ *s. d.*
Summary	(1)	0 5 4
	(2)	0 4 0½
	(3)	0 4 3
	(4)	0 6 11
Total . . .		1 0 6½

To which is to be added for :—	
Rent and water	0 4 0
Clothing	0 3 0
Sundries	0 2 5½
Grand Total	1 10 0

[1] He continues, 'Incomes of the working class have greatly improved within the last twenty or thirty years, and the hours of work have been shortened, though in many cases workmen work harder, and thus earn the increase.'—P. 213

Now, according to Mr. Chadwick's statement, the cost of the same amounts of the articles in heads (1), (2), (3), and (4) in 1839 and 1849 would have been—

	1839			1849			Comparative decrease		Comparative increase	
	£	s.	d.	£	s.	d.	s.	d.	s.	d.
(1)	0	7	6	0	5	8	2	2	—	
(2)	0	4	0½	0	4	5	—		0	4½
(3)	0	4	3	0	4	3	—		—	
(4)	0	9	9½	0	7	1½	2	8	—	
Total	1	5	7	1	1	5½	4	10	0	4½

It appears from this statement that during the twenty years to which Mr. Chadwick's inquiry relates, there had been to such a working family, on an expenditure of 1*l.* 1*s.* 5½*d.* in articles of food, a gross gain of 4*s.* 10*d.*, or 21·554 per cent., of which 2*s.* 2*d.*, or 10·665 per cent., was on the articles directly affected by the laws relating to the importation of grain, and 2*s.* 8*d.*, or 12·489 per cent., was on articles not thus affected, a proportion of considerable interest to those who desire to estimate, with an approach to scientific accuracy, the real advantages derived by the working population from the repeal of the Corn Laws.

Against this gross gain must be set a loss in one head, butchers' meat and bacon, of 4½*d.*, which reduces the net gain on articles of food used in the supposed case to 4*s.* 5*d.*, or 20·782 per cent. on the expenditure. No account is taken of the diminution in the cost of clothing, which had certainly taken place during that period, but is estimated by Mr. Chadwick at the same amount in the one case as in the other.

The process appears to have continued since 1859, but at a reduced rate. The present prices of articles in quantities forming Mr. Chadwick's tables at Manchester compared with those given by him show the following results:—

Articles	Prices 1859 s. d.	Prices 1884 s. d.
(1) *Bread, Flour, and Meal.*		
8 4-lb. loaves . .	3 8	4 0
½ peck meal . .	0 10	0 10
6 lbs. flour . . .	0 10	0 10
Total . . .	5 4	5 8
(2) *Butchers' Meat and Bacon.*		
5 lbs. butchers' meat .	2 8½	3 4
2 lbs. bacon . . .	1 4	1 4
Total . . .	4 0½	4 8
(3) *Potatoes, Milk, and Vegetables.*		
2 score potatoes . .	2 0	1 8
7 quarts milk . .	1 9	1 9
Vegetables . . .	0 6	0 6
Total . . .	4 3	3 11

Articles	Prices 1859 s. d.	Prices 1884 s. d.
(4) *Groceries, Coals, &c.*		
½ lb. coffee . . .	0 8	0 8
¼ lb. tea . . .	1 0	0 6
3 lbs. sugar . . .	1 3	0 7½
2 lbs. rice . . .	0 6	0 4
1 lb. butter . . .	1 1	1 1
2 lbs. treacle . .	0 5	0 3
1½ lb. soap . . .	0 4	0 6
Coals	1 0	2 0
Candles . . .	0 6	
Total . . .	6 11	5 10
—	Decrease	Increase
Summary . (1)	—	0 4
(2)	—	0 7½
(3)	0 4	—
(4)	1 1	—
Total . . .	1 5	0 11½
Grand Total . .	0 0 5½	

But this table is, after all, only an estimated expenditure. The actual expenditure of working men's families may show very different results. I am pleased, therefore, that by means of the valuable tables published by Mr. Baxter in his work on National Taxation relating to the consumption of different articles of food in the families of working-men in various parts of the country, I am able to some extent to supplement Mr. Chadwick's estimates by positive information. Mr. Baxter gives us, from details supplied by fifty-four families of town population, consisting of 323 persons, and fourteen families of the agricultural population, consisting of seventy-nine persons, situate in different parts of the country, the following particulars of their consumption of tea, coffee, sugar, tobacco, beer, and spirits; the average income of the first class being 65*l.* 10*s.*, and that of the second class 41*l.* 15*s.*

Consumption per family annually.

Number of consumers: Families	Number of consumers: Persons	Tea	Coffee	Sugar	Tobacco	Beer	Spirits
(1) *Town Population.*		lbs.	lbs.	lbs.	lbs.	galls.	galls.
54[1]	323	20·55	—	130·45	—	—	—
33	172	—	22·41	—	—	—	—
35	179	—	—	—	8·5	90·92	2·
32	168	—	—	—	—	—	—083
(2) *Agricultural Population.*							
14	79	10·85	—	76·9	4·65	—	—
8	46	—	9	—	—	—	—
11[2]	63	—	—	—	—	38·6	—
7	41	—	—	—	—	—	·5

[1] The consumption of twenty-eight families is given only for tea and sugar.
[2] The remaining three families were cider drinkers.

Mr. Baxter, whose object in this case was only to ascertain the proportion of taxation borne by different classes of the community, gives us the consumption of those articles only which in 1865 were subject to taxation. At present, mainly through the reduction of the duty on tea, and the abolition of that on sugar, the families of the town population would have gained on an average, according to the prices above given, tea, 40*s.* 8*d.*, and on sugar, 25*s.* 5*d.*, or a total of 66*s.* 1*d.*; to which must be added on tobacco, if their consumption consisted of the unmanufactured article, a gain of 8*s.* 6*d.* from the fall in prices since 1871. On Negrohead the gain would be rather over 1*l.*

The agricultural population would have gained on the same data about 1*l.* on their tea, 15*s.* 10*d.* on their sugar, and 4*s.* 6*d.* on their tobacco. I have not been able to ascertain what saving, if any, would be made on the consumption of beer and spirits.

These figures certainly justify the belief that the working classes have had, in the saving upon the cost of the articles above enumerated, a considerable addition to their means of providing for the increased cost of the two elements of expenditure, of which the price has risen rather than declined during the period with which we are dealing —meat and house rent. Certainly it would appear that the expenditure upon meat during the period we are considering has largely increased—according to Mr. Mulhall, from 41*s.* per head of the population in 1851 to 50*s.* in 1861, 66*s.* in 1871, and 78*s.* in 1881; while the continued construction of new houses of the description inhabited by working-men—which undoubtedly are generally superior in their accommodation to those built a quarter of a century since—appears to offer unimpeachable evidence that the amount of income available for the payment of rent by these classes has increased, since, had the case been otherwise, the class of houses constructed to receive the increasing population would assuredly have deteriorated.

The considerations just dwelt on concern matters where the improvement in the position of the working classes is due to causes independent of their own action. Many other cases of a somewhat similar kind may be specified, such as the increased facilities for locomotion, due to the use of steam power, and the improvements of lighting towns, &c. But advantages of this nature cannot properly find a place in the present paper, because they apply to all classes alike, and contribute probably to the comfort of the richer classes

individually more than to that of the poorer classes. One exception, however, ought to be made in respect to the means of education, where the large and yet constantly increasing application of the national resources to found or support institutions for the especial benefit of the poorer classes of the population, is a fact so well known and so often commented on, that it is needless to do more than allude to it here.

But, as I have intimated above, there is another and quite distinct cause of the improvement in the position of the working population during the last thirty years, namely, that to much greater degree than in any former period of equal length they have begun to appropriate to their own elevation the two great factors of the wealth of the richer classes, (1) the ownership of those accumulated results of labour which we call capital, (2) the conduct of the businesses by which these accumulations have been made. That the habit of saving has largely increased among the poorer classes in the United Kingdom during the period with which we are dealing is shown by the statistics of the savings banks, which are—

Years		Amounts	Total	Per head of population of United Kingdom
		£	£	£
1861	Trustee	—	41,546,475	1·47
1871	Trustee	38,819,663	55,944,661	1·79
	Post-office	17,025,004		
1881	Trustee	44,615,988	81,362,364	2·39
	Post-office	36,740,375		

Alongside of these institutions, which are offered to the working population, rather than created by them, must be placed the Friendly Societies for mutual assistance, of which there were, according to the last report of the Registrar in 1882, 1,286; making returns, with 4,802,249 members, and 13,002,974*l.* of assets.

An advance beyond this position is supplied by the Building Societies, which, no doubt, stretch down to a time antecedent to that specially included in this inquiry, but exhibit during that period a remarkable development, shown in the following table taken from the last returns made by the Registrar, that for 1882:—

	Founded before 1857	Founded after 1857
Societies	120	1,408
Members	157,560	345,661
	£	£
Receipts in year . . .	7,867,514	13,051,959

Mr. Baxter, whose object in this case was only to ascertain the proportion of taxation borne by different classes of the community, gives us the consumption of those articles only which in 1865 were subject to taxation. At present, mainly through the reduction of the duty on tea, and the abolition of that on sugar, the families of the town population would have gained on an average, according to the prices above given, tea, 40*s.* 8*d.*, and on sugar, 25*s.* 5*d.*, or a total of 66*s.* 1*d.*; to which must be added on tobacco, if their consumption consisted of the unmanufactured article, a gain of 8*s.* 6*d.* from the fall in prices since 1871. On Negrohead the gain would be rather over 1*l.*

The agricultural population would have gained on the same data about 1*l.* on their tea, 15*s.* 10*d.* on their sugar, and 4*s.* 6*d.* on their tobacco. I have not been able to ascertain what saving, if any, would be made on the consumption of beer and spirits.

These figures certainly justify the belief that the working classes have had, in the saving upon the cost of the articles above enumerated, a considerable addition to their means of providing for the increased cost of the two elements of expenditure, of which the price has risen rather than declined during the period with which we are dealing —meat and house rent. Certainly it would appear that the expenditure upon meat during the period we are considering has largely increased—according to Mr. Mulhall, from 41*s.* per head of the population in 1851 to 50*s.* in 1861, 66*s.* in 1871, and 78*s.* in 1881; while the continued construction of new houses of the description inhabited by working-men—which undoubtedly are generally superior in their accommodation to those built a quarter of a century since—appears to offer unimpeachable evidence that the amount of income available for the payment of rent by these classes has increased, since, had the case been otherwise, the class of houses constructed to receive the increasing population would assuredly have deteriorated.

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now their servants. We need scarcely say that the result of this is that directors and workmen consider themselves equal, and treat each other as equals.'

'There is no town in Lancashire where as much average wages are earned per week as in Oldham: although there are other towns paying as high rate per lb. for the work done. Still this saving of wages, and making and saving of profits, does not lead the working class to seek less enjoyment, and care only for saving. The Derbyshire hills are probably better known and enjoyed by these Oldham shareholders than by the Derbyshire residents themselves; their holiday trips extend to London, the lakes of Cumberland and Westmoreland, North Wales, Paris, and other places on the Continent. At the principal Oldham holiday, the wakes, some 50,000*l.* to 60,000*l.* are regularly withdrawn, by what are called 'going off clubs,' from the stores and companies, which are to a large extent carried on by loans for expenditure at the sea side and other places of recreation. Yet no operatives are more industrious during working hours—industrious, not from compulsion but choice—than the Oldham operatives. There are few towns where the Temperance party is more respected, and probably none in which the bulk of the workmen spend less upon hurtful indulgences, considering their means, than they do. Not that the bulk of them are teetotallers, though many are so; but they exercise self-restraint, and have little inclination to drunkenness and no respect for the drunkard.'

I may add, on the authority of the same writer, as evidence of the prudence and determination with which these businesses have been conducted, that although a large number of these companies were overtaken by the commercial crisis, which set in in 1876, before they had been able to commence business—so that they began at a very trying time—not one of the working men's companies was forced into liquidation.[1]

The disposition to form industrial enterprises with shares of a nominal value which brings them within easy reach of a large body of the working population has by no means been confined to, though especially manifested at, Oldham. The Annual of the Wholesale Society above referred to contains a list of 355 spinning companies, including the Oldham companies above-mentioned, registered between 1873 and 1882, of which 104 only have shares above the value of 5*l.*: 77 of these being of 10*l.*, and 1 of 7*l.* 10*s.*;

[1] *Annual*, p. 199.

while, on the other hand, there is one company with shares of 2*l.* 10*s.*, one with shares of 2*l.*, and one with shares of 1*l.* only.

I have observed that the population of Oldham were peculiarly prepared to lay hold of this idea of investment in joint-stock enterprise, when it was presented to them by the indefatigable zeal and energy of Mr. William Marcroft, the founder of the Sun Mill, which led the way in that form of industry. This preparation consisted in the growth at Oldham of the system of co-operation, which is there embodied in two large and very thriving stores, and introduces us to what I feel justified in calling the most important movement for elevating the mass of the population that has appeared among mankind since slavery received its death-blow by the rise of a religious faith, where master and slave met as equals at 'the Lord's table.' Co-operation has not been confined to England. An equally if not more important development of it has grown up in Germany under the far-seeing teachings of the late Dr. Schulze Delitzsch, and from Germany has spread with similar success into Austria, Belgium, and Italy. The form has been, to a great extent, different from that prevalent in England, though in Germany the phase most striking in England is now beginning to attain very large proportions. But the idea in both cases is the same. This idea is, the application of the principle of association for the purpose of benefiting the whole body of the population, through the equitable distribution among them of the results attained by their own joint industry, credit, or trade, in proportion to the degree in which each one has contributed to produce these results. Association as it is carried on by the Oldham Spinning Companies and similar institutions has in view only the benefit of the particular individuals who happen to be associated. Hence it has adopted the familiar practice of paying all profits as dividends on capital. Co-operative association has a higher object. The rules and orders of the Co-operative Union, which embraces nearly all the societies of any importance in Great Britain, and holds the annual congresses at which more than one member of this association have contributed valuable addresses, commence as follows:—

'This Union is formed to promote the practice of truthfulness, justice, and economy in production and exchange.

'(1) By the abolition of all false dealing, either by representing any article produced or sold to be other than what it

is known to the producer or vendor to be, or by concealing from the purchaser any fact known to the vendor material to be known by the purchaser, to enable him to judge of the value of the article purchased.

'(2) By conciliating the conflicting interests of the capitalist, the worker, and the purchaser, through an equitable division among them of the fund commonly known as profit.

'(3) By preventing the waste of labour now caused by unregulated competition.'

In other words, co-operative union is formed with the avowed purpose of promoting honest and equitable dealings, ascertaining in the case of profits, as far as this can be done, by what agencies they are created, and dividing them among each of these agents in proportion to the part that it has had in their production. I shall not attempt to show how this principle has been applied in the specially German form of co-operation—the people's banks—but I will endeavour to trace it in the form that it has taken in England, where the people's banks are unknown institutions, and co-operative societies resolve themselves into the two forms of: (1) distributive societies, or, as they are generally called on the continent, societies for consumption; and (2) societies for production. The idea of the distributive society is very simple. It is that of applying for the benefit of the consumer the difference between wholesale and retail prices. A body of consumers unite to buy wholesale any article they require for their own use. They guarantee to those who may advance the necessary capital any rate of interest which these are willing to accept as sufficient. To meet this interest and provide for the working expenses they put on the articles purchased a small additional charge, and then they sell to themselves at this increased price, with the result that each purchaser contributes to the cost of the establishment in exact proportion to the benefit derived by him from the reduced prices of the articles bought. This was the original conception of the civil service stores, though they have drifted somewhat from the co-operative line towards that of the joint-stock company, by admitting a large body of purchasers, to whom they sell at prices somewhat higher than are needed to cover the cost of the establishment and the interest on capital, and distribute the surplus between the comparatively small body of shareholders. Among the artisan classes the equitable distribution of cost is secured by a different process—namely, by selling at ordinary prices, and after providing for the cost of the establishment and the

interest on capital, distributing the surplus, which in prosperous stores usually amounts to 2*s.* or 2*s* 6*d.*, or even a larger sum, in the £, as a dividend to each member on his own purchases. By this plan the slight flavour of the joint-stock principle, which hangs, as I have stated, round the civil service system, disappears. For, though it is possible to imagine a society where the members should utilise the profits derived from sales to non-members as a means of increasing the dividend on their own purchases, the gain in profits thus dealt with becomes so small that the temptation to such a departure from the co-operative principle vanishes. In practice it is found that the aim of the members of these artisan societies always is to increase as rapidly as possible the number of those who derive from the society the full advantages of membership; and that they scrupulously avoid any application of the profits on sales to non-members to swell the dividend of members.

The nature of the arrangements by which the co-operative idea may be realised is much more complicated when we pass from distribution to production. In the distributive society there is practically only one factor to be considered—the consumer; for the capitalist may be eliminated by giving him security for his capital, which can be done in cases where the members form their own market with an ease which cannot be attained in general in a productive society, which must find a market for its production outside itself; while the nature of the services rendered by the persons employed in distributing the goods makes it impossible for them to set up any serious claim of a right to participate in the saving arising from the difference between wholesale and retail prices, with which they have nothing to do.

In the productive society all this is greatly changed. Within the society there are two rival claimants to share profits, capital and labour, whose claims it is the duty of co-operators equitably to adjust; and without, there is the antagonism between producers and consumers, for which it is equally their duty to find some mode of adjustment free from the evils attending the present method of dealing with them by competitive rivalry.

I should trespass too much on your patience, did I expound the various themes of co-operative production to which the attempts to grapple with these difficulties have given rise. It is sufficient to say that the difficulties have been seriously grappled with in many instances, and although no one plan for dealing with them can be said to have as

yet worked its way to general approval, we may hopefully look forward to a time when the antagonism between past and present labour, and the antagonism between producer and consumer, will have disappeared in the reconciliation effected by co-operative enterprise. And then? Well, then, when the working population have grown accustomed to regulate the conditions of their own lives, by becoming the collective owners of the industrial centres where they find employment, and as a natural consequence acquire the land where these centres may be placed, there will, I believe, gradually dawn upon them the idea, of which a brilliant example is offered at this moment in the establishment founded by M. Godin, at Guise, in the department of Aisne, in France—the idea of applying to life the principle of collective action which they have learnt to apply to work. Associated homes, which may grow up round centres of employment collectively owned, and bring the advantages of wealth within reach of the mass of the population, will lay in the reform of the dwelling what, in my judgment, is the keystone of the arch which shall span the waters of poverty and make inquiries into the condition of the working classes matters of only archæological interest. They will then begin generally to see all that lies in those simple moral principles laid down by the co-operative union as the basis of a reform which in the greatness of its results and the quiet peaceableness of its methods will, I believe, resemble, more than anything else, the transformation in the methods of locomotion effected by the introduction of railways.

It may seem a long descent to come down from these heights of prophetic anticipation to the actual results attained during the last forty years, and mainly during the last thirty, by the co-operative stores, out of which this noble tree of social reform is expected to spring. But a few figures illustrating this progress may be interesting to the meeting. I do not know that I can bring before them any more striking, than those relating to the progress, in successive periods of five years, of the two great wholesale centres created by the co-operative societies for the supply of their own wants in England and Scotland, of which the English Wholesale has just now celebrated the completion of its twenty-first year.

The English Wholesale.

Year	Members of the Societies joining	Total capital, share, loan, and deposit, insurance and reserve	Net sales	Net profits after providing the charge for interest
		£	£	£
1864 2 quarters.	18,387	2,455	51,857	267
1870	79,245	49,658	507,212	9,248
1875	198,608	263,282	1,964,829	20,684
1880	331,625	494,330	2,645,381	42,764
1883	433,151	691,181	4,546,889	47,885
1884 2 quarters.	446,184	729,103	2,197,292	23,462

The Scottish Co-operative Wholesale.

Year	Shares taken up 10s. each	Total capital, share, loan, and reserve	Sales	Net profit after providing for interest on capital
		£	£	£
1868	—	1,795	9,697	49
1873	20,827	56,433	384,489	7,446
1878	34,830	83,174	600,990	11,968
1883	60,725	203,852	1,284,036	28,248

And yet these sales represent, in the case of the English Wholesale little more than one-third, and in the Scottish not quite one-half, of the amount which it is calculated ought to pass through them, if the whole of the co-operative societies formed by the working classes actually drew from these societies all the supplies that they could obtain from these sources.

I have called attention to the growth of these great co-operative centres for a reason independent of the evidence afforded by it of the growth of the distributive societies—namely, from its illustration of the facilities offered by this system of union for passing from distribution to production. It must be obvious that if there are scattered all over the country a large body of stores accustomed to draw their

supplies from a great co-operative centre, this centre must offer peculiarly favourable openings for any productive society working in connection with it, to introduce their goods into notice, and thus lay the foundation for its future prosperity. The wholesale co-operative centres of distribution are the natural foster-nurses of co-operative distribution.

This sketch of co-operative action, in its actuality and its possibilities, is the best answer that I can make to the second part of the question proposed for consideration, How can the working population best invest their savings? If there is a system of industry in successful operation, by which these classes can, in the first place, increase by 10 to 12 per cent. so much of their incomes as is used to supply their daily wants, by means of an expenditure absolutely within their own control, namely, their own regular consumption; and if, through other industries which may naturally grow out of this fact, they may gradually obtain the means of regulating the conditions of their own lives by the employment which these industries will afford, I think I am justified in saying that the mode of investment which by such results may be attained offers to the working classes the form of investment in which, in preference to any other, they should be urged to employ their earnings. It may be laid down, I think, as affirmed by our general experience that the degree of well-being commonly attained in any community depends upon the general moral character of its members. It is the characteristic of co-operation that it seeks to raise to a higher pitch the moral tone given out by those industrial and commercial operations, that busy world of production and exchange, by which more than by any other actual influence the daily lives of men are affected for good or for evil. The most encouraging feature that I can recognise in the period with which this Paper has dwelt is the wide extension among the mass of the population of an institution in which the condition of all lofty morality, the *vivre pour autrui*, is distinctly recognised as the principle which human industry must embody, if it is to be an action worthy of men as reasonable beings. I can conceive no application of the savings of the working class more commendable than that which will most thoroughly promote the introduction and development of this life-giving system.

Tables illustrating the rate of wages in various industries in Great Britain in 1884, *in comparison with the tables appended to the paper by Mr. D. Chadwick referred to above.*

['Special' means that there is no corresponding entry in Mr. Chadwick's statement.]

Occupations	Hours of Work, 1859	Hours of Work, 1884				Earnings, 1859	Earnings, 1884			
		No. of Returns	Highest	Lowest	Average		No. of Returns	Highest	Lowest	Average
Cotton Manufacture.										
General—						s. d.		s. d.	s. d.	s. d.
Steam Engine Tenters	60	3	60	54	56·6	30 0	5	50 0	30 0	36 6
" " Stokers	60	1	—	—	56·6	18 0	5	24 0	17 0	21 6
Lodge-keepers	—	—	—	—	—	21 0	3	30 0	26 0	28 0
Warehouse Boys, 14 to 18	—	2	56·5	51	53·75	8	4	16 0	7 0	11 9
" " over 18	—	2	56·5	51	53·75	22 0	2	22 0	18 0	19 0
Night Watchmen	—	2	60	56·5	54·75	18 0	3	22 0	18 0	20 6
Carding Department—										
Scutchers—Women and Girls	60	1	—	—	56·5	8 0	1	14 6	7 2	10 9
Strippers—Young Men	—	—	—	—	56·5	14 0	4	20 0	16 6	19 0
Grinders	—	—	—	—	56·5	15 0	2	23 0	17 6	21 3
Overlookers	—	—	—	—	—	28 0	2	500	38 0	44 0
Card Minders, 14 to 18—Boys	—	—	—	—	—	7 0	1	—	—	11 0
Drawing Frame Tenters—Girls and Women	—	—	—	—	—	8 0	2	19 0	15 0	17 0
Bobbin and Fly Tenters	—	—	—	—	—	9 0	1	women girls		16 0 7 2
Spinning on self-acting mules										
4s. to 24s.	—	—	—	—	—	20 0	1	—	—	26 0
24s. to 44s.	—	—	—	—	—	22 0	2	38 0	30 0	34 0
Piecers—Women & Young Men	—	—	—	—	—	10 0 —	2 1	17 0 —	14 0 —	15 6 11 boys
Overlookers	—	—	—	—	—	26 0	2	50 0	38 0	44 0
Throstle Spinners—										
Women, 18 and over	—	—	—	—	—	9 0	1	—	—	10 6
Overlookers	—	—	—	—	—	24 0	1	—	—	28 0
Doffers to Spinners—Boys	—	—	—	—	—	6 0	—	—	—	8 6
Reeling—										
Pin Winders—Girls	60	1	—	—	56	5 0	1	—	—	8 0
Bobbin Winders—Women	—	—	—	—	—	9 0	1	—	—	12 0
Warpers	60	2	56½	56	56·25	23 0	2	30 0	22 0	26 0
Drawers	—	—	—	—	56·5	19 0	1	—	—	26 0
Dressers	—	—	—	—	—	20 0	1	45 0	28 0	36 6
Sizers	—	—	—	—	—	25 0	1	—	—	38 0
Beamers	—	—	—	—	—	22 0	1	30 0	23 0	30 6
Power and Loom Weaving—										
Principally Women	60	2	57	50	53·5	15 0	3	15 6	15 0	15 3
Power and Hand Looms—										
Special	—	—	—	—	—	—	—	—	—	—
Carpets	—	1	—	—	56	—	1	—	—	25 0
Pattern Weavers' Tweeds	—	1	—	—	56	—	1	—	—	23 0
Tweedmen		1	—	—	56	—	1	—	—	26 0
Handloom Weavers—										
Fancy Fabrics at their own Houses	70	1	60	56	5	16 0	1	16 0	15 0	16 6
Calico Printers, Dyers, and Bleachers—										
Colour Mixers	60	2	60	59	59·5	32 0	2	50 0	40 0	45 0
Machine Printers	—	—	60	59	59·5	38 0	2	47 0	45 0	46 0
Foremen	—	—	60	59	59·5	40 0	2	60 0	50 0	55 0
Block Cutters	60	1	—	—	59	25 0	1	—	—	25 0
" Printers	—	—	—	—	—	25 0	1	—	—	25 0

Table—*continued.*

Occupations	Hours of Work, 1859	Hours of Work, 1884				Earnings, 1859	Earnings, 1884			
		No. of Returns	Highest	Lowest	Average		No. of Returns	Highest	Lowest	Average
						s. d.		s. d.	s. d.	s. d.
Calico Printers, &c.—*cont.*										
Dyers	60	1	59	54	54·5	16 0	3	25 0	18 0	21 6
Washers	60	1	—	—	59	16 0	1	—	—	18 0
Labourers	—		—	—	—	15 0	1	—	—	16 0
Fustian Dyeing—										
Bleachers	60	1	—	—	56	18 0	1	—	—	18 0
Silk Throwing and Manufacturing—										
Mill-men and Throwsters	60	1	—	—	56·5	17 0	1	20 0	17 0	18 6
Overlookers	—	1	—	—	56·5	26 0	2	32 0	24 0	27 4
Spinners—Young Men and Boys	60	1	—	—	56·5	16 0	1	—	—	16 0
Winders—Women	—	1	—	—	56	7 0	3	11 6	9 0	10 9
Cleaners—Women and Girls	—	—	—	—	—	6 0	3	15 0	5 6	8 9
Doublers	—	—	—	—	—	8 0–8 9	3	10 6	9 6	10 0
Warpers	—	1	—	—	56	20 0	1	—	—	20 0
Warpers—Men	—	—	—	—	—	24 0	1	22 0	24 0	23 0
Weavers	—	—	—	—	—	24 0	1	24 0	18 0	21 0
Silk Dyeing and Printing—										
Dyers and Helpers	60	1	—	—	56·5	15 0	1	20 0	18 0	19 0
Silk Dyeing and Printing	—	—	—	—	—	16 0	1	24 0	20 0	22 0
Agricultural Operations—										
Gardeners	60	1	—	—	60	16	1	—	—	20 0
Carters	60	1	—	—	60	18	1	22 0	18 0	20 0
Farm Labourers	60	2	—	—	60	15	1	18 0	16 0	17 0
Scotch Special—										
Ploughmen	—	1	—	—	65	—	with house free			20 0
Farm Servants	—	—	—	—	—	—	—	—	—	17 0
Female (half-year)	—	—	—	—	—	—	with board			8 0
Field Hands	—	—	—	—	—	—	—	—	—	7 6
Building Trades—		Summer Hours and Wages								
Bricklayers	55·5	6	56·5	50	54	33 0	6	33 3	27 6	31 6
" Labourers	55·5	4	56·5	50	54	21 0	5	25 0	20 10	22 2
Stonemasons	—	7	56·5	50	53.42	30 0	5	33 3	24 0	28 10½
" Labourers	—	—	56·5	50	—	18 0	4	21 3	16 0	19 4½
Slaters	58	3	56	50	54	26 0	2	30 0	28 0	29 0
Plumbers	56	7	55	50	52·59	28 0	7	34 0	22 0	29 2
Plasterers	58	6	56·5	50	52·75	28 0	5	30 4	27 10	29 6
Painters	58	8	56·5	51	55·37	28 0	10	33 0	26 0	30 7½
Mixers	58	11	56·5	51	53·	28 0	12	35 0	23 0	28 11
Brick Makers—										
Moulders	70	2	52	50·5	51·25	30 0	—	—	—	23 6
Temperers	—	—	—	—	—	30 0	—	—	—	21 0
Burners	—	—	—	—	—	30 0	—	—	—	21 0
Wheelers	—	—	—	—	—	30 0	—	—	—	21 0
Coal Mining—										
Miners	50	3	48	42	46	25 0	5	35 0	18 0	25 0
Scotch	60	1	—	—	60	—	1	—	—	26 6
Drawers { Men	—	2	—	—	54	17 0	3	17 0	15 0	16 0
Drawers { Boys	—	2	—	—	54	12 0	3	14 0	17 0	11 0
Underlookers	—	1	—	—	48	36 0	3	42 0	23 0	35 0
Firemen	—	—	—	—	—	24 0	3	36 0	27 0	33 0
Tunnellers	—	1	—	—	48	25 0	4	36 0	18 0	26 0
Carters	60	—	—	—	—	17 0	3	24 6	13 0 one horse	27 6
Special Return—										
Stonemasons	48	—	—	—	46	20 0	—	—	—	24 0
Shifters	48	—	—	—	46	16 0	—	—	—	18 0
Deputies or Timbermen	46	—	—	—	44	20 0	—	—	—	29 0
Screeners and Labourers	66	—	—	—	54	16 0	—	—	—	18 0

Mechanical Trades and Workers in Metal.

Occupations	Hours of work, 1859	Hours of work, 1884				Earnings, 1859	Earnings, 1884			
		No. of Returns	Highest	Lowest	Average		No. of Returns	Highest	Lowest	Average
Pattern Makers —						s. d.		s. d.	s. d.	s. d.
Smiths	58	4	—	—	54	32 0	11	33 0	26 0	30 6
Strikers	—	—	—	—	—	18 0	8	20 0	16 0	19 10
Planers	—	—	—	—	—	22 0	9	26 0	18 0	25 0
Borers	—	—	—	—	—	20 0	5	24 0	19 0	22 3½
Screwers	—	—	—	—	—	18 0	—	30 0	17 0	19 7½
Drillers	—	—	—	—	—	18 0	7	21 0	18 0	19 7
Slotters	—	—	—	—	—	18 0	9	28 0	18 9	20 2
Brass Founders	—	2	54	51	52·4	34 0	8	34 0	26 0	21 3½
Joiners — Engineering Work	—	—	—	—	54	28 0	11	33 0	24 0	25 7½
Painters	—	—	—	—	—	24 0	7	30 0	24 0	27 4
Fitters	—	—	—	—	—	32 0	10	34 0	26 0	28 6
Farriers		—	—	—	—	30 0	—	—	—	—
Erectors		—	—	—	—	33 0	8	33 0	29 0	30 7
Labourers		—	—	—	—	15 6	9	21 3	15 0	17 3
Boiler Makers		—	—	—	—	32 0	2	33 6	22 8	29 2½
Tinplate Workers		—	—	—	—	17 0	8	34 0	22 0	28 8½
Millwrights		—	—	—	—	32 0	10	38 0	26 0	32 9½
Moulders		—	—	—	—	34 0	9	38 0	26 0	32 9½
Blacksmiths and White-smiths—	60	1	—	—	54	26 0	6	31 0	24 0	28 4½
Braziers and Coppersmiths	58	—	—	—	—	30 0	10	34 0	25 0	31 1½
Tinplate Workers		—	—	—	—	28 0	9	30 0	28 0	31 7½
Brass Moulders		—	—	—	—	30 0	5	28 0	21 0	28 0
Brass Finishers		2	54	51	52·5	28 0	—	28 0	28 0	28 0
Wire Workers—										
Wire Weavers & Drawers	59	—	—	—	56	25 0	2	22 0	22 0	22 0
Rollers	59	1	—	—	59	50 0	1	85 0	35 0	56 0
Forge men		—	—	—	—	40 0	—	50 0	24 0	37 0
Labourers to do.		—	—	—	—	20 0	1	20 0	16 0	18 0

Miscellaneous Handicrafts.

Occupations	Hours of Work, 1859	Hours of Work, 1884				Earnings, 1859	Earnings, 1884			
		No. of Returns	Highest	Lowest	Average		No. of Returns	Highest	Lowest	Average
Bakers—						s. d.		s. d.	s. d.	s. d.
Ordinary men	—	8	80	51	57	22 0	13	30 0	22 0	27 8½
Foremen	—	—	—	—	—	26 0	9	40 0	30 0	34 6
Butchers—	66	—	—	—	—	16 0	5	35 0	21 0	28 9
Assistant (Special)	—	—	—	—	—	—	1	21 0	20 0	20 6
Cabinet Makers—										
Cabinet and Chair Makers	59	2	60	55	57·5	28 0	7	37 0	26 0	30 6
Carvers	-	—	—	—	—	30 0	6	40 0	32 0	34 6
Polishers	-	2	54	51	52·5	30 0	6	38 3	22 0	36 10½
Upholsterers	-	1	—	—	56	30 0	7	36 0	30 0	32 1½
Women	-	—	—	—	—	10 0	5	17 0	10 0	13 2½
Clock and Watch Makers—										
Watch Making	-	—	—	—	—	30 0	3	33 6	30 0	33 7½
Watch Repairing	-	—	—	—	—	30 0	4	36 5	40 0	52 7½
Foremen	-	—	—	—	—	60 0		70 0	40 0	55 0
(Special)	-	4	—	—	—	—	4	23 0	20 0	20 10½
Coachbuilders—										
Body Makers	61	5	56	50	53	35 0	6	36 0	27 0	32 7½
Carriage	—	2	—	—	54	30 0	6	30 0	24 0	31 2½
Spring	—	—	—	—	—	38 0	2	32 0	30 0	31 1½
Smiths	—	—	—	—	—	35 0	5	35 0	25 0	31 3½
Vicemen	—	—	—	—	—	22 0	4	29 0	22 0	35 [illegible]

Miscellaneous Handicrafts—*continued.*

Occupations	Hours of Work, 1859	Hours of Work, 1884. No. of Returns	Highest	Lowest	Average	Earnings, 1859.	Earnings, 1884 No. of Returns	Highest	Lowest	Average
						s. d.		s. d.	s. d.	s. d.
Coachbuilders—*cont.*										
Wheelers	—	—	—	—	—	30 0	2	30 0	30 0	30 0
Strikers	—	—	—	—	—	14 0	3	22 0	17 0	19 0
Body Painters	—	—	—	—	—	32 0	3	32 0	28 0	30 3½
Carriage	—	—	—	—	—	28 0	3	32 0	27 0	28 3½
Labourers	—	—	—	—	—	16 6	3	18 0	16 0	17 3½
Trimmers	—	—	—	—	—	32 0	5	30 0	27 0	30 3½
Coopers	58	2	54	60	63	30 0	3	30 0	27 0	29 0
Drapers (special)—										
Managers	—	1	—	—	55	—	1	—	—	30 0
Assistants	—	1	—	—	55	—	1	—	—	9 0
Gas Makers—										
Retort Men	70	2	70	51	52·5	30 0	3	34 0	25 0	28 4½
Labourers	—	—	—	—	—	18 0	1	—	—	21 0
Glass Cutters	51	1	—	—	—	32 0	1	—	—	31 0
Grocers, (special)—										
Managers	—	1	—	—	59	—	3	30 0	27 0	28 0
Countermen	—	—	—	—	—	—	3	28 0	18 0	26 0
Assistants	—	—	—	—	—	—	3	10 0	10 0	10 0
Errand Boys	—	—	—	—	—	—	1	—	—	6 0
Hatters, Silk—										
Body Makers	60	2	54	54	54	25 0	2	30 0	25 0	27 7½
Silk Finishers	—	—	—	—	54	25 0	1	—	—	30 0
Tippers of	—	—	—	—	—	33 0	1	—	—	33 0
Hatters, Felt—										
Body Makers	—	—	—	—	—	22 0	1	—	—	22 0
Proofers	—	—	—	—	—	32 0	1	—	—	32 0
Blockers	—	—	—	—	—	35 0	1	—	—	26 0
Dyers	—	—	—	—	—	30 0	2	30 0	29 0	29 7½
Finishers	60	2	54	51	52·3	28 0	2	25 0	24 0	25 0
Crown Sewers—Women and Girls	—	—	—	—	—	9–10	1	10 0	9 0	9 7½
Leather Manufacturers—										
Tanners	58	2	58	51	54·5	18 0	3	30 0	21 0	26 4½
Dressers	58	—	—	—	60	18 0	1	27 0	22 0	24 7½
Paper Makers—										
Machinemen	61	—	—	—	—	31 0	1	—	—	32 0
Labourers	—	—	—	—	—	27 0	1	—	—	24 0
Machine Printers	—	2	54	51	52·5	31 0	1	—	—	28 0
Paper Hangers	58	3	52	50	56	36 0	4	35 0	21 0	27 11
Police Constables	70	4	70	56	63	30 0	5	30 0	20 0	26 3½
Printers, Engravers, Compositors (General)	60	3	54	54	54	30 0	6	36 0	28 0	31 4½
Pressmen	60	2	54	54	54	30 0	6	36 0	20 0	30 2½
Bookbinders	—	1	—	—	54	26 0	5	32 0	28 0	29 2½
Lithographers	—	—	—	—	—	28 0	5	33 0	30 0	32 4½
Copper-plate Printers	—	2	54	54	54	30 0	3	36 0	28 0	32 0
Newspaper Compositors—Weekly	—	—	—	—	—	31 0	5	36 0	22 0	26 0
" " Daily	—	—	—	—	—	40 0	3	48 0	43 6	45 4½
Scavengers (Street)—										
Carters	52	2	60	54	57	16 0	4	24 0	18 0	23 9
Scavengers	—	2	54	54	55·5	16 0	5	20 0	17 0	18 6
Highwaymen and Labourers	58·5	2	54	54	55·5	16 6	4	18 0	14 0	17 7½
Carters	—	2	—	—	—	17 0	5	23 6	18 0	20 4½
Masons	—	3	54	51	52·5	27 0	3	27 0	25 0	26 7½
Shipwright's Labourers	—	—	—	—	54	—	1	—	—	36 0
Shoe Makers—	—	—	—	—	54	—	1	—	—	24 0
Boot Closers, mostly Females	60	—	—	56	—	32 0	1	15 0	12 0	17 7½
Boot Makers	60	1	—	—	58	25 0	4	30 0	21 0	26 7½
Soap Makers—										
Skilled Labourers	58	1	—	—	51	30 0	2	25 0	20 0	22 6
Labourers	—	1	—	—	51	30 0	1	—	—	15 0
Stable Keepers	—	—	—	—	90	—	1	—	—	22 0
Tailors—										
Coatmen	72	8	72	57	58·46	27 0	5	31 0	30 0	31 3½
Trousers and Vestmen	—	—	—	—	—	21 0	4	32 0	25 0	28 3½
Wheelwrights	56	1	—	56	56	20 0	3	30 0	24 0	28 0

DISCUSSION.

Mr. Ernst Beckman (Sweden) desired to have information on the subject of the employer's liability in this country. In Sweden they were hesitating as to which road they should take, as public sentiment was more fully developed there than legislation. They had ceased to think that the workman who was wounded on the battlefield of work should be thrown into the workhouse, or come to beggary. One thing he would like to know was, what was the highest amount given in case of accident to the workman or his representatives? Another important matter was whether the employers could contract themselves out of their liability towards their workmen.

Mr. H. J. Pettifer (Secretary Workman's Association for Defence of British Industry, London) would have been pleased if they had had a little less figures, because no one knew better than the readers of the papers that it was possible to make figures prove anything. It had been said that this was a question of humanity, but it was a question of the workmen of England first, and he would like to see it argued by a different class of people from those who would do so that day. The writers of the papers had been talking of the working classes as though they were some new-found race, or extinct animal. The best way to have dealt with the question, and to have arrived at the truth, would have been to have called a meeting in the town-hall, where the working man could have spoken for himself. Everyone might take it for granted that the working classes were better off now than they were twenty-seven years ago, but ought they not to be? The question was, were they as much better off as they ought to be? They could not find any country in the world now where the people were in as bad a condition as they were twenty-seven years ago. Some nations were making greater strides than we were, and the best thing to do would be to compare our prosperity with that of other nations. If the writers of the papers had done that, they would have come to the conclusion that the working classes of this country had not prospered so well as they ought to have done. Reference had been made to the vast increased consumption of food, but they had nothing to do with that matter, because they did not consume any more food now than they did twenty-seven years ago. The difference was that now the working man consumed more imported, and less home-grown, food. The only figures they should consider were the Savings Bank returns and the returns of pauperism and crime. In 1883 he found that the Post Office Savings Bank had received, deducting interest, 13,481,000*l.*, while there was drawn out 11,800,000*l.* The amount of the capital left in as actually saved was 1,600,000*l.*, which, divided amongst twenty-four millions of people, would give something like sixteenpence per head of the working-class population of the country. The people of this country, too, had not such a vast accumulation as compared with other nations. In the United Kingdom, including all banks, the average was 44*s.* per head of the population: in Austria, 44*s.*; in Scandinavia, 50*s.*; in Switzer-

land, 80*s.*; while in the United States it had reached 9*l.* per head; and in Australia, 20*l.*; the highest being France, where no less than 7,400,000 people held on an average 109*l.* per head. The test of pauperism was simply no test at all. It amounted practically to this: the reader of the paper had taken it for granted that directly a working man became poor he enrolled himself as a pauper. He believed there was a greater amount of poverty and misery amongst the working classes than there was twenty-seven years ago, although there were a less number of paupers figuring on the official list. This was to be accounted for first by the different way in which relief was administered. Twenty-seven years ago it was out-door as much as possible; now it is, 'Come inside, or you get nothing'; and, as Mr. Dodson (Poor-Law Commissioner) stated a short time ago, out of every ten who applied for poor-law relief, only one would come inside; not only so, but trades societies and sick societies now kept thousands from the parish who would formerly have been paupers. As far as crime was concerned, the reader of the paper had simply given us the figures of *criminal* cases, or cases tried before a jury, but he omitted to tell us that *these* cases had been reduced by the passing of such acts of Parliament as the Summary Jurisdiction Act and Criminal Jurisdiction Act, which now gives the magistrate power to deal with cases which, twenty-seven years ago, would have figured in the list as criminal cases. If the cases which have been removed to summary jurisdiction courts were now added to those of the superior courts, the result would be a vast increase, far behind that of increase of population. The total number of convictions in 1860 were 255,803. In 1882 they had risen to 575,593, or over 100 per cent.

Mr. G. J. Holyoake (London) remarked that the section was indebted to Professor Levi for his very wise paper. He did not agree with the last speaker, that figures lied; on the contrary, it was the most difficult thing to make them express anything else than what they obviously meant. The speaker seemed to have protection in his mind, and to be like the American workmen, who were under the impression that the more they paid for commodities the richer they got. The first paper had presented a number of considerations in the most conclusive form. The Professor had said that the employer had a right to expect that the labour of the workman should be given in a hearty, and not in a perfunctory, manner. He, however, denied the right of the employer to expect anything of the kind: the ordinary employer gave the least he could, and the workman was under no obligation to give more than what he received remuneration for. If there were a percentage of profits given, then there would be a right to look for the services of the workman in this extended way. Political economy should have delivered them by this time from expecting the highest possible exertion for the least possible reward. The arguments they had heard showed that the condition of the working classes had improved. He remembered the time when, within a few yards of them, there were factories in which, during thirteen years, he never heard any workman suggest that an employer took an interest in his welfare. In Easy Row workmen used to be glad to be paid on a Saturday night

as late as 11 and 12 o'clock, while now they could get their wages nearly twelve hours earlier. In fact, the condition of the workman had everywhere improved considerably, and the facts brought forward by the Professor were very valuable. One word as to industrial partnerships. The same questions were put by the Professor that were put twenty-seven years ago, and people might suppose they had never been met. Numerous partnerships had been established in which the difficulties had been overcome. They were not sentimental working arrangements, where the master gave something from charity, but it was an arrangement in which the employer got something he would not otherwise have, by giving something which the workman had never received before. He concluded by saying that he wished, when the rate of wages was discussed in future, somebody would inquire how much these had increased by the operation of the skill and judgment of the working classes themselves. Mr. Neale's paper had the merit of proving that co-operation was a new force, hitherto unestimated in the self-elevation of the people.

Mr. Edward J. Watherston (Hon. Secretary of the Department) said that he had been apprenticed to a handicraft, and, speaking from ten years' experience in a workshop, he considered that the condition of the working classes had considerably improved. At the same time their condition was very far from satisfactory. There remained much to be done, and he trusted that the improvement which had characterised the past twenty-seven years would be continued. What with early closing and the number of holidays he was afraid that now there was a little too much rest. He was old enough to remember the origin of the Saturday half-holiday. It was, in its first conception, a sentimental idea founded on a belief that, if working-men had a half-holiday on Saturday, they could take their wives and children for a walk on Saturday afternoon, and would be able, and more willing, to go to church or chapel on the Sunday. This was Dr. Cumming's conviction. Like all sentimental experiences, this particular one had failed altogether. Certainly there was no perceptible improvement in their church or chapel attendances. It had been said that the increase in the price of labour and the Saturday half-holiday movement had commenced at the same time, and that from that period there had been a gradual increase in the price of labour. He wondered, if the matter of the Saturday half-holiday were put to the wives of the workmen, what they would say about it, for the money then spent was taken from the necessary, and became unnecessary expenditure. For his own part he believed that some working-men drank more than 2*s.* a week: the amount was nearer double that. The workman spent more on himself than on his wife and children. This was the great misery of a portion of the working classes, and was the secret why there was not much more money put into the Savings Bank. What ought to be done was to provide for a better utilisation of the Saturday half-holiday; there should also be a greater extension of the free library system in the United Kingdom; and the café system should also be extended. The gin palace should be put down and the continental café should take its place, and the workmen would then have some sort of club to go to. All museums

and zoological gardens should be thrown open free on Saturday afternoons; and, lastly, there should be an increase of the facilities for investing savings. In France the working classes held municipal scrip, and he did not see why corporation loans should not be within the reach of the working classes without the intervention of the stock broker. Wages should be paid on Friday nights.

Mr. W. Hussey (Birmingham) said that the last speaker had complained that the increased leisure of the working classes had not resulted in inducing them to attend places of worship. He was glad, however, to observe that on the previous day (Sunday) the distinguished members of the Congress did not offend in that way. He observed that many of them heard that able deliverance of Dr. Dale in which he showed that the mere accumulation of wealth was insignificant compared with the uses to which increased wealth was put, and that a true social order had reference to the application of wealth in such manner as would result in morality, social happiness, intelligence, and religion. He (Mr. Hussey) would take Professor Levi's own figures, and what did they show? According to the figures, at Southport the income of the labouring classes had increased by 59 per cent. According also to the tabulated figures contained in the paper before them, there had been a large decrease in the cost both of edibles and wearables during the period; yet, with this great increase in means, and decrease in cost of living, on the Professor's own figures, the description given of the condition of the working classes by such authorities as Cardinal Manning on the one hand and George Potter on the other, coupled with the revelations of the 'Bitter Cry,' was appalling. There had been an increase of indoor pauperism, since 1852, amounting to 82 per cent., whilst in the same period population had only increased 45 per cent. The total number of indoor paupers in 1852 were 106,413; in 1882 there were 193,899. Where was the increased wealth gone? That was disclosed by the diagram he held in his hand, which showed by official figures that 136,000,000*l.* per annum had been wasted on intoxicating liquors—50,000,000*l.* per annum more than bread. The official, police, and other statistics of Birmingham, showed that poverty, crime, and wretchedness were coincident with drink shops. The sound conclusion therefrom was that the possibilities of improved conditions had since 1857 been enjoyed by the nation, but that the 150,000 drink shops legalised by the State had baffled and defeated the legitimate and beneficent result that ought to have accrued to the people by the increasing material resources indicated by Professor Levi's paper.

Mr. T. W. Russell (Dublin) observed that Professor Levi had said in his paper that low wages and scarcity of food went hand in hand with crime. He would like to know if the Professor laid this down as an absolute truth? There was no part of Ireland which was so sunk in abject poverty as Donegal during the years referred to, but no one heard of agrarian outrages being committed in Donegal, and he was therefore inclined to question the Professor's assertion. On the contrary he believed that high wages and plenty of luxuries begot drunkenness and crime. He had more sympathy with Mr. Pettifer's remarks

than he had with those of Mr. Holyoake. The real question they had to deal with was the reason why the working classes were not better off than they were at the present time. It was admitted that they were better off than they used to be, but the question was, why were they not better off? Why were they not the most independent class of the community at the present time? The other day he went into a workman's house in Dublin; the man was earning 36*s.* a week; he had a wife and three children, while his old father-in-law lay in a corner on a straw bed. The whole family were living in a single room, and this was a fair type of many workmen who were earning similar wages. When he asked the wife how this came about, he was told that the husband was seldom sober, except, perhaps, on Thursdays, Fridays, and Saturdays. This man was a sample of thousands in the large centres of population, and no respect for property or anything of the kind should prevent the section from facing the absolute truth. While they admitted that there had been an immense improvement in the condition of the working classes, he hoped they would face the dreadful realities of the present, and ask what was the great cause, though not the sole one, that ground them down. It was to be found, he believed, in the fact that they spent so much of their hard earnings in the public-house, instead of on food and clothing for their wives and children.

Mr. T. F. Walker (Birmingham) said they would be in a fool's paradise if they thought they could dismiss this question by calling the workman's savings the small amount left in his hands. A bachelor working-man got as much as the man with a large family, and if he were extravagant in his habits it too often continued in his married life. He knew the case of a workman, on the other hand, who had saved a reasonable sum of money, and who married an admirable wife. This man went to London, but through bad trade his savings were dissipated. He had to work his way out to Australia, leaving his wife in this country, though in the end he fortunately got over his difficulties. This was a type of many cases which did not end so satisfactorily.

Mr. Thomas J. Haslam (Dublin) remarked that while the annual income in Ireland in 1841 stood at about 50*l.* per family, it was now about 80*l.*; showing an increase of 60 per cent. on the average income. At first sight that might seem an enormous improvement, but what was the explanation? Three millions of the people had emigrated in the meantime. In the year 1841 there was a population of 8,000,000, representing in round numbers, say 1,600,000 families, with an average income of about 50*l.* per family. The population now was only 5,000,000, or say, in round numbers, about 1,000,000 of families. The aggregate national income had not materially increased; it was still somewhere about 80,000,000*l.*, which, divided by the number of families, gave 80*l.* per family. In the meantime Ireland had got rid of 3,000,000 of periodically destitute; that was the sufficing explanation of the improvement. In 1841 the farmers had about twenty acres of land per family; at the present time the average size of their holdings was about thirty acres, and this represented an addition to

their average income of about 30*l.* per annum. With regard to the labourers, *their* improvement was still more remarkable. Forty years ago their numbers exceeded 1,000,000; and their average income was from two shillings to two shillings and sixpence per week, the year round. *Now* they were receiving, on the average, from six to eight shillings a week the year round. Seven or eight hundred thousand of them had emigrated in the interval: that was the secret of the improvement.

Professor LEONE LEVI, in replying, reminded the section that the terms of the paper dealt with what was the position of the working classes now as compared with the year 1857; it did not ask what were the causes which had produced the changes. He had merely tried to show how they now stood as compared with 1857. To have detailed all the causes which produced the changes would have taken as much time, and required quite a different order of arguments. Mr. Pettifer had said that figures could be abused, misused, and grouped, just as one pleased; but he (the speaker) denied *in toto* that statistics, conscientiously, honestly, and scientifically presented, were capable of backing up the views of any individual. Statistics were rather the parents of one's views than the sequence of one's own opinions. It had been said that the consumption of produce had not increased, but the facts pointed the other way. Working-men now used meat much more extensively than they used to do. He did not find that there was more poverty. There had been an actual decrease in the number of persons relieved out of doors between the years 1857 and 1884. Indeed there had been an actual diminution both in regard to indoor and outdoor relief. The amount expended in the relief of the poor had increased, but that had arisen from the larger amount expended on buildings, and in the difference of the diet given as compared with former years. So that the increase of expenditure was not an indication of the increase of pauperism; while, in comparing the numbers in 1857 and at the present time, they must take into account the increase of population. In 1857 the number receiving relief in England and Wales was 843,806 in a population of 19,256,000, or 43·82 per 1,000. In 1884 the number relieved was 774,500 in a population of 27,132,000, or 28·52 per 1,000, showing a diminution of 34·91 per cent. With regard to crime, he found that there had been a great diminution in offences against the person and property, but an increase in the number subject to summary jurisdiction, largely from drunkenness, from the evasion of the Education Acts, and other offences. With regard to industrial partnerships, he admitted that in some cases for a time they had proved successful; but what he had laid down were general propositions, affecting capital and labour in general. He would be thankful if twenty-seven years hence they found the working classes better off than at present; but at the same time they ought to be thankful that they were now better off than they were twenty-seven years ago. With regard to the relation of want and poverty to crime, it was difficult to establish a proposition so weighty and general. The whole range of his studies, however, tended to establish the fact that poverty was more likely to be the cause of crime than comfort and high wages. He

considered that drunkenness was in many cases the result of a disordered mind. Drunkenness and crime were not necessarily associated as cause and effect. In conclusion, he thanked the members for the courtesy with which his paper had been received and discussed.

MISCELLANEOUS.

A Paper on 'Profit Sharing with Workmen' was contributed by Mr. Sam. Timmins, J.P., F.S.A. This paper briefly reviewed the general state of labour, the condition of the working classes, the condition of their houses and surroundings, the institutions which affect workmen, the classes of manufactories, the average earnings of labour, and the changes among Birmingham trades during the past fifty years. It referred to various sources of information from which further details can be obtained, and gave a comparative view of the progress made by the better provisions for workpeople in the erection of larger and more healthy buildings, and by the general legislation on Post Office Savings Banks, Board Schools, Patents Acts, and Limited Company Acts, which have given great advantages to workpeople, while the general average of earnings has been maintained. As an example on a large scale, and with the experience of twenty years, the Cornwall Works of Messrs. Richard and George Tangye are described, especially as to arrangements made to give workmen a direct interest in their work. These results are secured in two ways: Firstly, by a combination of the day-work and piece-work systems, by which the advantages of both are used, and their evils lessened or nearly lost. Each workman on contracts, the price of which is fixed, works at a rate of wages per hour which gives him a weekly income fully equal to the amount he would earn under similar work elsewhere; but the payment made weekly is really 'on account,' and when the contract is completed he takes his share of the 'balance' due and payable, partly according to the number of hours he has worked, and partly according to his knowledge and skill. Thus, a man who has made '2*l.* in time' receives double the amount payable to one who has only made 1*l.* worth; and the 'leading hand,' or superior workman, whose rate of wages is higher, necessarily receives a larger sum. These balances vary from ten to forty per cent., in accordance with the industry and skill, and thus form a direct incentive to regularity of time, and an inducement to acquire know-

ledge and skill. This arrangement appears to solve one of the great difficulties in the payments for labour, and has been highly successful for twenty years. The second arrangement is for direct 'Profit sharing with Workmen,' and consists in the issue to manager, foreman, clerks, &c., as a free gift from the firm, of bonds for 50*l.*, each bearing interest at the rate of the dividend for the year payable by the firm on its ordinary shares. If the bearer dies during the year his family receives 50*l.*, but the firm reserves the right to pay the amount to the widow, or for school fees or clothing for the children, or for rent. These bonds are renewable every year, and are not saleable; and if the holder leaves the service of the firm he loses all interest in the bond. These bonds therefore give the holder all the advantages of a shareholder in the Company, except that he incurs no responsibility, has no share in the management, and cannot sell his interest. Another fund formed by the firm provides for the payment of 100*l.* to the family on the death of a foreman or manager, or for a weekly payment in case of illness, the benefits of which are entirely separate from, and supplementary to, the bond which such foreman or manager may hold. Further details are given of various institutions connected with the Cornwall Works, all tending to show that many of the problems concerning labour and capital have been successfully dealt with, and very important progress made in giving workmen a direct, distinct, and substantial interest in the welfare and progress of the works.

Mr. B. Church read a Paper on 'Trades Unions.' Having stated their purpose to be that of obviating that charity which degrades, and encouraging the spirit of thrift and independence, he went on to give figures showing the beneficial operation of unionism amongst the industries of Birmingham. He mentioned in this connection a number of local industries in which unions had been formed, and showed that in each case large amounts had been spent by the society in out-of-work pay, superannuation, sick pay, funerals, and grants to other trades, and that an improvement had been introduced either in wages or in hours of work. Moreover, the position of the men in the social scale had been commensurate with the progress of the unions, the profits of capitalists had meanwhile increased, and trade had shown a great increase. As an argument against low wages, he went on to show that whereas many families of five existed on 1*l.* per week—a sum

which was so low as to tend to drive them to pauperism; the cost of keeping as paupers a man, his wife, and three children was 1*l.* 19*s.* 7*d.* per week. Where trades unionism had failed, it had been either from want of its proper application, or from capital and labour requiring too much within an unreasonably short space of time. But its success had been extraordinary, and under its auspices there had been an example of thrift and self-help unparalleled in the history of other nations.

Mr. J. W. Willis Bund contributed a valuable paper on 'The Work of the Severn Fishery Board and the Severn Fisheries.' The following is an abstract:—'The fishery laws were remodelled in 1861, when the first of the present Salmon Fishery Acts was passed. It was based on the recommendation of the Royal Commission of 1860, before which it was stated that the total value of the English and Welsh fisheries did not exceed 10,000*l.* a year. The Salmon Fishery Act, 1861 (24 & 25 Vict. c. 109), prohibited the improper capture of salmon. The Act of 1865 (28 & 29 Vict. c. 121) constituted Boards of Conservators. Under this Act the Severn Fishery Board was formed for the Severn watershed, an area of over 4,000 square miles, and the funds to preserve this varied at first between 500*l.* and 700*l.* a year. The Board at once began to endeavour to secure the free passage of salmon over the different weirs and obstructions, and in spite of many failures have succeeded in affixing passes to most of the weirs on the main river and its chief tributaries. Much yet remains to be done on the small streams. Protection of the fish is secured as well as possible with the limited means at the Board's disposal: there is a good deal of isolated, but little systematic poaching. One of the great sources of destruction at the present time is the capture of young salmon; this, in spite of all the efforts of the Board, goes on to a considerable extent. The fisheries also suffer seriously from pollution; and although the pollutions from mines are greatly reduced, yet the pollutions from towns and manufactories are most serious, and are greatly due to the fact that the Rivers Pollution Prevention Act, 1876, is not carried out. Till this is done it is idle to expect a great development of the fisheries.

The work of the Board has been to some extent to secure a free passage for the fish; to give the fish a partial protection, and to some extent to deal with pollution.

The results of the work are—in 1869, the first year for which any record exists, 11,460 salmon, weighing 58 tons,

were caught; in 1883, 30,000 salmon, weighing 173 tons, were caught.

The five years 1869 to 1873 give the result—

Year	No. of Fish	Weight in Tons
1869	11,460	58
1870	22,500	116
1871	16,950	106
1872	9,050	64
1873	10,400	65
	70,360	403

or an average of 14,072 fish and 80 tons a year.

Year	No. of Fish	Weight in Tons
1879	9,930	71
1880	16,000	93
1881	19,500	109
1882	15,500	93
1883	30,000	173
	90,930	539

or an average of 18,186 fish and 107 tons a year; so that the five years' average gives an average increase of 4,114 fish and 27 tons a year; or in money value, taking the price of fish at 1*s.* 6*d.* per pound, for the five years from 1869 to 1873, average value of the fish caught was 13,440*l.* a year. For the five years from 1879 to 1883 the average value of the fish caught was 17,976*l.*, or an average annual increase of 9,536*l.*, or thirty-three per cent.

If Mr. Ashworth's figures as to the annual value of the English salmon fisheries in 1860, 10,000*l.*, was correct, the effect of eighteen years' work has been to raise the value of the fisheries of one river, by no means the most productive, to 28,064*l.*, or to within a fraction of three times the then total value of all the English and Welsh fisheries.

The fishing season on the Severn lasts from February 2 to August 31, or 201 days, deducting Sundays; and taking four Sundays to the month, this leaves 177 fishing days, or exactly a ton of fish a day at 1*s.* 6*d.* per pound, a money value of 168*l.* per day. But this is nothing to what might be done. The river at Waterford has practically the same drainage area as the Severn; in 1861 it produced salmon of the annual value of 40,000*l.* After eighteen years' hard work the Severn cannot produce above 28,000*l.*

As to the persons among whom this sum is divided, it is most difficult to form an estimate. The licence duties in

public water are, broadly speaking, a third of the whole licence duties. If the capture of fish is in proportion to the duty paid, one-third of the fish should be ascribed to public, and two-thirds to private waters. This is certainly not accurate, but nothing nearer can be got, and it gives money value of the public fishing of 56*l.* a day. The licensed fishermen are about 200, and the fish 5*s.* a day per man.

The eel fisheries are also an important item in the Severn fisheries; the eel catch may be taken at about ten tons a year, or, at 1*s.* per lb., about 1,100*l.*

The lampern fishing has dwindled to very small dimensions, but it now averages from 75,000 to 100,000 a year, and at 5*l.* per 1,000 would be about 500*l.*

The annual value of the food supply from the Severn would then be—

Salmon	£17,916
Eels	1,100
Lamperns	500
	£19,516

or in round numbers 20,000*l.*

The result has been to increase the food supply threefold; and this is only a beginning. With a free passage for the fish, protection, and pure water, much more may be done. The importance of the fisheries as a means of recreation and enjoyment to the public cannot be over-estimated: in 1883 over five thousand shilling angling licences were sold; in 1884, nearly seven thousand; and it is a very important duty of the Board to secure for those, who, but for fishing, would never go out into the country, an inducement to a healthy and harmless recreation.

Mr. W. S. Scott, fish salesman, of Birmingham, who supplied a Paper on the subject of 'The Fish Supply of the Midlands,' said Birmingham, as the Midland metropolis, sustained the position of the central emporium of fish food for the people. It had been calculated that 100,000 tons of fish per annum reached Birmingham for the use of its population and for that of the surrounding districts, which had a population numbering about two millions. Deducting from the gross weight one-third for weight of packages, &c., left a little over 60,000 tons as food, which would be about 20 ounces per head per week upon the population. That supply consisted of all kinds of fish, the heaviest weight being herrings, chiefly from the North Sea, the West of

Scotland, and Ireland; and mackerel from Ireland, Cornwall, Lowestoft, and the West of Scotland. Other white fish was mostly received from the North Sea, while salmon came principally from Ireland and Norway, which entailed two or more days in transit, and led to a deterioration in quality and a reduction in price. Very little salmon from Scotland reached Birmingham; that going to London, Manchester, &c. The people of the Midlands had yet to become acquainted with the fruity gelatinous flavour of fish, they being content with an inferior article at a lesser price. Cheap fish was mainly sought for in Birmingham, which he ventured to think was a mistake, cheap fish being profitable to no one. Much of that sold in Birmingham was trawl fish and other which had been kept too long in smacks, thereby acquiring a colour and flavour quite foreign to it; people getting such fish cheap, but in a condition which they could not enjoy, a great portion of it was never eaten. Trawling was thus entailing waste, and they must look to daily fishermen for a supply in good condition; but at present they could not command fish from Eyemouth, Berwick, and the north-eastern ports, as by a breach of the laws of economy such fish was taken to Glasgow, which should be supplied from points on the other side, by which they would have the advantage of a nearer market with less carriage to pay. For this injurious transversion of trade the railway company were, in Mr. Scott's opinion, to blame, in consequence of the frequent delays of fish. As an instance of this, he quoted the fact that on August 6, 1884, five barrels of fresh herrings were sent to him by Mr. Cormack, of Eyemouth—a town within nine hours' run of Birmingham—but were so delayed that, instead of realising 22*s.* to 26*s.* per barrel, they, by arriving at 11 A.M., when market was over, realised only 12*s.* per barrel, the result of such delays being that fish had to be sold on the day of arrival at a smaller price, or held over till the following morning, thus creating an overstock of fish, as well as robbing senders of the legitimate value of their goods. It was noted that fish was charged by the railway companies at three times the rates for other commodities, and was yet carried only at owner's risks. Upon one fact he (Mr. Scott) laid particular stress, namely, that fish to-day might be food for the people, but to-morrow only fit for manure; and what, he asked, would avail scientific discoveries, and the value of the treasures of the deep, if by a single slip the fish supply could be converted into waste? For many years the Midland Rail-

way Company kept the fish train from Scotland at Derby from 5.15 A.M. till 7 A.M., losing thereby nearly two hours of the best market. They now ran the train through, so as to reach Birmingham at 7.30 A.M., which was a great improvement. But another serious matter still existed in the handing over of fish from one company to another at Berwick-on-Tweed, whereby many delays were caused, it being most inexplicable that a company should keep their own line idle and hand the traffic over to others. By some arrangement they might get an equivalent, but that notwithstanding it was a diversion of legitimate traffic. On August 2 of the present year Mr. Scott received six barrels of herrings from Messrs. Hart & Son, Thurso, invoiced as weighing 11 cwt. 2 qrs. by the Highland Railway Company, but when delivered by the Midland found to weigh only 9 cwt. 2 qrs. The Midland were willing to reduce the charge for carriage accordingly, but the Highland refused to do so, and now, as a result, the Midland pressed for the full amount, although admitting the overcharge and consequent injustice. He held that great improvements in railway arrangements were urgently required, and said it appeared to him that they were on the eve of a great revolution in that traffic, in which fish-dealers would have the community on their side. Ice can now be easily and cheaply manufactured, and its use upon fish would make the time occupied in transit less material, and would bring distant ports within reach. He would recommend that the railway companies should adopt lower tariffs; that trains should run to time; that railway companies should provide refrigerating vans, and that merchants should adopt low flat boxes, with a free use of ground ice; that herrings, if not sent in ice, should be sent in salt, and cooked from the salt; that all kinds of fish should, if possible, be gutted when landed, and also that fish should be run through a cistern of water, mixed with ice and a little bay salt. In Birmingham the authorities until lately had shown little disposition to assist the fish salesmen, but now they were constructing a new market, and it was of the greatest importance that a suitable place of railway landing should also be secured. As to the maintenance of a future supply of fish, the present fishing grounds were being rapidly stripped by trawlers, consequently the far north and the Atlantic must be fished, and that could only be done by increased harbour accommodation being provided for fishermen. Great fishing stations were worthy the attention of the nation, and he (Mr. Scott) held that it was

the duty of the Government to establish a daily steam communication with both the western and northern islands, as they had done in the Isle of Man. Mr. Scott concluded with an earnest appeal for Government assistance to be extended to the fisheries in general, with a view to the improvement of the food supply.

Mr. J. P. Turner, vice-chairman of the Birmingham Chamber of Commerce, sent in a Paper advocating the 'Rehabilitation of silver as international standard money.' He spoke of the dislocation of the established ratios between gold and silver as an unparalleled disaster, and sketched the causes of the harm. For the system of bi-metallism to work smoothly the ratio between gold and silver must be permanent, and its opponents objected to it on the ground that it had an element of uncertainty, since gold and silver were merchandise and must vary in value; but coinage was in the exceptional position that the value of the precious metals was given them by the artificial enactments of nations in decreeing their use as money. What was aimed at now was to induce a group of leading nations, including our own, to make perfectly sure what would be probable by the action of France alone. The delegates at the International Conference of 1878 were three to one in favour of an international bi-metallism, but went to the Conference with tied hands; and the resumption of the Conference was left to the first favourable conjuncture. Mr. Turner, in conclusion, said it was easy for a student of the question to ask why, of recent years, house and other property had diminished in value, and why, *pari passu*, trade had been depressed, prices kept down, wages lowered; and ventured the prediction that, although general industry might improve, its progress must continue languid and uncertain until silver was again enthroned in a position as important as previously to the last eight or ten years.

'Railway Rates and Canal Tolls, as affecting the Trades of Birmingham and the South Staffordshire District,' was the title of a Paper by Mr. Alfred Hickman, J.P., of Wolverhampton. The author said that the district was served by three great railway companies, and besides had canal communication with the ports of London, Liverpool, Hull, and Gloucester.

Under these circumstances, traders had a right to expect reasonable rates as compared with other districts.

But the reverse of this was the case. Comparing the rates for iron from the Staveley district and from Leeds with those from Birmingham, it was shown that the Birmingham rates must be reduced about 25 per cent. to make them proportionate.

The same difference was stated to exist in favour of the Lancashire and Yorkshire districts generally, and it was stated that a comparison with Middlesbrough would show a still more striking contrast.

It was shown that the rates for hardware obtaining through France, Austria, Germany, Italy, and Holland averaged little more than half as much, in proportion to the mileage, as those from the Birmingham district to the ports; in fact, that these rates were higher than from any great manufacturing centre in the world.

The effect of this was that local manufacturers were removing their works to near the sea, and six important firms were named that were doing so. Reference was also made to the manufacture of wire, which once had its chief *locale* in Birmingham, but now was removed to Warrington, to Middlesbrough, and to Belgium.

Several instances were adduced of lower rates being charged on articles imported from abroad than for similar goods exported from this country, and it was submitted that to do this was most suicidal on the part of the railway companies, because goods made here not only paid freight in getting to the port, but also on all their component parts, it was calculated, to the amount of one-fourth of their value. Moreover, the persons engaged in the manufacture were constant contributors to the passenger traffic.

The question was then asked if any remedy could be found for the evils complained of. The first suggested was legislation; but, having regard to the enormous Parliamentary influence of the railway companies, and to the failure of the well-meant attempt of the President of the Board of Trade in the last Session, little help could be expected from that source.

The next remedy examined was the formation of an Association to contest by litigation all cases of charges in excess of the legal maximum; but inasmuch as the rates charged on the railways in question were, for the most part, under the standard, it was not thought that any general advantage could be gained, though individual traders might be benefited.

The next remedy, styled 'Conciliation,' was to endeavour

to convince the railway companies that their interests would be best served by making common cause with the traders and assisting them to compete with districts more favourably situated for export; and this measure, he said, seemed to offer the best prospect of success.

But, failing this, there was still a possibility of redress by co-operation amongst the traders to develop the existing canal communication.

This was to be effected by applying steam-power to the propulsion of boats, which are at present drawn by horses at great cost.

He concluded by saying that the question had been too warmly and too generally taken up to be allowed to drop without some substantial relief being obtained; and this relief, he said, was essential to the very existence of the district as a great manufacturing centre.

Mr. A. Smith-Casson, manager of the Earl of Dudley's Round Oak Iron Works, and Vice-President of the South Staffordshire Iron and Steel Managers' Institute, read a Paper on 'The South Staffordshire Iron Trade: its Position and Prospects.' After referring to the ancient system of ironmaking in this country, particularly alluding to Dud Dudley and his discovery of the use of pit coal for smelting, and the discovery of puddling and groove rolling by Henry Cort, Mr. Casson went on to say that for a long time South Staffordshire supplied nearly all the rails that were required. It was the opinion of many that had engineers kept to the superior quality of the South Staffordshire rail, and avoided the inducements offered them by South Wales and Cleveland to accept a very cheap and inferior quality, we might have retained the trade for a very considerable time longer. But engineers were so prejudiced against iron rails that they eagerly adopted steel rails made on the Bessemer system. This led to the development of the iron and steel trades in Lancashire and Yorkshire, to the detriment of this district. To show the wonderful strides made by the iron trade, he mentioned that in 1788 there were at work in England and Wales 24 charcoal furnaces and 53 coke furnaces, the former making 13,100 tons, and the latter 48,200 tons. In 1796 the total make of pig iron was 125,000 tons; in 1827, 690,000 tons; in 1854, 3,069,838 tons; in 1870, 5,962,180 tons; and in 1883, 8,490,224 tons. There can be no question that the present stagnation of the trade of this district is in a great degree due to the change from iron to

steel, and to the improvement in the quality of the cheaper irons of North Staffordshire, Lancashire, and Cleveland, as well as to bad trade in general in all the iron districts. But in reference to the statements so often made, that Staffordshire will never see again anything like the good times she has had, it must be borne in mind that, according to Mr. Herbert W. Hughes, of Dudley, the area of the ten-yard thick coal unworked on the Earl of Dudley's estate is about 400 acres; on Sandwell Park Colliery, 1,500; on Hamstead Colliery, 500; in the Halesowen district, 500; and outside these, 150; total, 3,050 acres; or one-tenth of the original quantity remained unworked. In addition, it is generally supposed that a large area still remains unproved, for according to Beete Jewkes the east and west boundaries of the coalfields are not faults of denudation, but faults of dislocation. If this be true, we have coal measures and their accompanying wealth of iron and coal concealed and untouched under the new red sandstone that lies on the east and west of the coal fields. This will have the effect of increasing the size of the coalfield by about 2,000 acres. Besides these are other seams lying above and below, in many instances not yet touched. There is thus an almost unlimited supply of fuel of the very best quality for manufacturing purposes still remaining to be got, and there is no reason why this district should not compete successfully in the production of iron of the very best quality, as well as of iron of a good medium quality and cheap description. Another great advantage is the central position held with regard to those counties that possess cheap ores very suitable for mixing with the tap-cinder produced from the iron works. The South Staffordshire Steel and Ingot Company have lately shown that a good quality of steel, suitable for plates, sheets, and constructive work generally, can be produced here at prices that will, when their works are fully developed, prevent competition from the North. Although this steel may not be suitable for all purposes, yet there can be no question that it will, in very many instances, drive puddled iron out of the market; hence its discovery should lead to a very large development of the trade in plates, rails, and girders. There is, however, one serious obstacle to the encouragement of any expenditure of capital upon works in South Staffordshire, and this is the excessive railway rates. The Railway Commission has undoubtedly done good in some districts in correcting rates and in deterring intended abuses, but it has been powerless to bring rates down in this

district, which suffers more than any other from excessive charges. So long as Staffordshire held a virtual monopoly of the trade, freight was not a matter of so much significance. But, now that she has to compete very severely with ironworks on the sea-board, low freights are of vital importance to her foreign trade—a trade threatened with absolute extinction unless steps are immediately taken to get the rates reduced to a fair basis. If it can pay the Great Northern Railway Company to deliver iron from Middlesbrough to London, a distance of 250 miles, for 15*s.* per ton, surely the London and North-Western and Great Western Railway Companies should do it from Dudley to London, a distance of 120 miles, for 7*s.* 6*d.* per ton, or half what they now charge. Were this to be done he was satisfied that a very considerable development of the trade would immediately follow, and, new industries inevitably springing up, railway shareholders would find their dividends increase instead of falling away, as recently. It should be borne in mind that for every ton of finished iron about ten tons of raw materials are required—a large proportion of which would be moved about by rail and water. South Staffordshire naturally possesses the best possible position as regards an abundance of excellent fuel, cheap ores within easy reach, well laid down works, and old-established industries drawn here in process of time by the iron-magnet. But these, owing to the arbitrary action of the railway companies, are all thrown back from London. Through the negligence of Parliament most of the canals have been subsidised by the railways, and competition by water withdrawn. There is, however, one canal which still remains free—the Grand Junction—and he suggested that the manufacturers of the Midlands should emulate the enterprising spirit of the Manchester men and take measures to buy up the Grand Junction Canal, in order that it may be rendered navigable for fair-sized steamers. It becomes a matter for very grave consideration whether the time has not arrived when, in the interest of large trading inland centres and the nation generally, all railway carrying companies and, if necessary, canals, should be bought up and managed by the State. Assuming that the railways could be purchased on the basis of their all paying 5 per cent., with the present low rate at which money can be borrowed on Government security, a clear gain of about 3 per cent. could be effected in the transfer, without doing any injury whatever to railway shareholders, and inasmuch as the whole system could be governed from

one central authority, an enormous saving could be effected in the management by dispensing with so many boards of directors, managers, &c. &c.

Mr. H. G. Reid read a Paper[1] upon 'Economic Dwellings for the People,' and described the work of the Edinburgh Co-operative Company. He said that its capital was at first fixed at 10,000*l.*, in 1*l.* shares, the object being to build with the view of accommodating such persons as were desirous of becoming owners of their dwellings. The entire capital was soon realised, and houses constructed in two storeys, each family having a separate entrance—a new departure in Edinburgh. A member of the society might become possessed of a substantial and commodious dwelling-house, costing from 120*l.* to 130*l.*, and worth in the open market from 160*l.* to 180., for an actual immediate outlay beyond an annual equivalent to ordinary rent of from 20*l.* to 30*l.* The society is now about to construct suburban dwellings. The net cost of these has not been ascertained, but they will be redeemable over a period of twenty-one years by monthly payments only a fraction higher than the rent generally paid for such houses. The houses built or arranged for number about 2,000, and the value of the work done, and about to be done, exceeds 400,000*l.* The capital, which was gradually increased, has yielded from 8 to 10 per cent. per annum. During the past fifteen years efforts of a like character have been made in Aberdeen, Glasgow, Dundee, and other Scotch towns; and in Liverpool, London, and some other great centres of population in England. It is not said that the experiment, admirable as it is, evolves any panacea for the permanent advancement of the British labourer. Yet it embodies a principle the adoption of which touches, with life-giving effect, the roots of his moral being, domestic happiness, and material welfare.

A Paper on 'Local Friendly Societies, with especial Reference to their Position as shown by recent Valuations,' was read by Mr. H. W. Yarwood. In this Paper the friendly societies were stated to be amongst the most important movements of the present time affecting the working classes, and all interested therein should endeavour to place them in a sound financial position. The experience of the past enables the liability to sickness and death at each age to be ascertained, and, therefore,

[1] This Paper has been published in pamphlet form by the author.

the amount of contribution necessary to pay sick or funeral benefits. These societies show the ability of the working classes to organise and manage a large movement of self-help. There are about forty local societies, with over 51,000 members, possessing funds amounting to 344,184*l.*, and paying annually in sickness and death claims about 47,600*l.*; the cost of collecting and distributing this amount is about 10 per cent. on the income. Valuations have been recently made of most of the societies, and whilst some show a surplus, others show a deficiency of assets to meet their liabilities. Where a deficiency exists, it is the duty of the members to take early measures to remedy it. This may be done by raising the contribution or lowering the benefits.

The paper advocated strongly an increase of contribution rather than a reduction of benefits.

Uniform levies at all ages, for assurance at death, are still in force in some societies. This was condemned as being unfair to the younger members, and a graduated system of contribution was recommended.

The principle of superannuation, to commence at the age of sixty or sixty-five, in lieu of sick pay, was advocated, and if subscribed for at an early age, the payments were shown to be light. The paper concluded by stating that (although under disadvantageous circumstances) societies had in the past done great good, and a still greater future lay before them, convalescent homes and the maintenance of the orphans of members being particularly noticed. He urged the wealthy and all citizens to become members, and help forward this great movement of self-help for the benefit of the working classes.

The following is an abstract of a Paper[1] on 'Commercial Geography,' contributed by Commander V.L. Cameron, R.N., C.B. The author, bearing testimony to the commendable endeavours of previous advocates for the promotion of the study of geography as an essential branch of commercial education, points with satisfaction to the success of his own undertaking to found a Commercial Geographical Society in the Metropolis. He maintains that, in view of the ever-increasing competition of our Continental neighbours in distant markets where until recently we had an almost exclusive monopoly, it is of the highest importance to our well-being to promote by every practical means a more exact

[1] This Paper has been published in pamphlet form by the British Commercial Geographical Society, St. Swithin's Lane, E.C.

knowledge of the wants and requirements of purchasers of our wares abroad.

He shows how through the opening of the Suez Canal, and the Mont Cenis and St. Gothard Tunnels, such ready means of transit for merchandise tends to divert trade from the older and more established routes in Europe, and shows, by example, the influence they have upon the commerce of the far East.

Other routes in contemplation, which will have the effect of shortening the distance to our colonies in Australia, *viâ* Singapore, the Arafura Sea, and the Gulf of Carpentaria, deserve to be studied with attention by merchants engaged in commercial enterprise, since older routes, liable to be neglected or laid aside for a time in the changes that are continually being made for the expedition of produce in transit, must not be forgotten or lost sight of, in view of eventualities. Though commercial geography may fairly claim to be included in the general terms of 'pure geography, political, and even physical geography,' these higher forms of the science are nevertheless intimately associated with the practical bearings of trade and commerce in a very marked degree, since the opening of new outlets for the development of our manufactures depends upon the care and attention of our merchants and others engaged in mercantile pursuits. The supply also of raw materials for our manufacturing industries is furthered by the knowledge imparted to its members by a Commercial Geographical Society, as the medium for communicating fresh discoveries made by explorers and others.

Commander Cameron points to the fact that our foreign competitors are better educated in regard to technical teaching, and with them 'the movements and fluctuations of trade are more accurately noted and more precisely followed than with us.' He therefore looks to the Commercial Geographical Society to effect much good, to bind together Englishmen the world over, to advocate their cause, protect their interests, and legitimately assist in the spread of British commerce wherever new outlets may be found.

A Paper,[1] with the title 'The Duties of Women as Poor Law Guardians,' was contributed by Miss CAROLINE A. BIGGS. The following is an abstract: A large portion of the public work included under the head of Local Government is especially adapted to the capacity of educated women; this work

[1] This Paper has been published *in extenso* by the author.

includes the education of the poor, the supervision of hospitals, and the management of workhouses. For many years these subjects have received the attention of women, and particularly since the Education Act was passed, the Government has called upon them to take a large share in education by being elected as members of School Boards. But their services as Guardians of the Poor are even more desirable, as domestic management, in which all women are more or less skilled, forms a large portion of the duties of Guardians. These duties comprise the education of children and the care of their health, food, and clothing; the instruction of girls who are going out to service, inducing them to join Benevolent or Girls' Friendly Societies, or keeping careful watch over them till they are fairly started in life; the giving of sound advice or assistance to the adult women paupers, helping them to obtain respectable employment, or restoring them to their friends; the provision of additional comforts for the aged and sick; the establishment of superior nursing, and better classification of the wards; the supervision of female officials and servants; the checking of expense and introduction of new methods of economy in the management of the schools and workhouses. These and other branches of work are specially adapted to the peculiar knowledge and habits of women, and can be better performed by them than by men.

It is difficult to find an adequate supply of cultivated or gentlemanly men who are sufficiently at liberty from social pursuits or business to give their time to the wearisome details of a Guardian's work, and the office too often falls into the hands of inferior men. On the other hand, many ladies possess an intimate knowledge of the necessities of the poor, and their election to the Boards of Guardians would not only supply the specially womanly element which is so indispensable for domestic management, whether on a large or small scale, but would actually be the means of placing the Poor Law work in the hands of a more capable because more cultivated class. Women have always been eligible to act as Guardians in England; their election has often been advocated within the last quarter of a century, and since about ten years ago a few have been elected. It is only four years since societies have been established in London, and subsequently in Bristol, Birmingham, Edinburgh, and Bradford, to promote the election of well-qualified women. The number of women-Guardians is now increased to forty-four. From testimony that has been received from the ladies themselves, from Chairmen of the Boards on which they sit, and from other

sources, their co-operation even in this short space of time has been so beneficial that it is much to be wished that the example of their election should be generally followed. They have been, without exception, educated, well-informed women who have already had some experience among the poor, and they have thoroughly acquainted themselves with the details of their new duties before making suggestions or innovations. Their usefulness is so recognised that they are given a very large share of the committee work; in special instances, committees of reference are composed of the ladies alone. Very cordial understanding exists usually between the lady members and the other members of the Board. Many women-Guardians have especially devoted themselves to inquiries into the advantages of the different methods of training children, the schemes of emigration, or of boarding them out in England, and the merits of cottage homes over the large district schools; and in some cases they have already been instrumental in introducing these improved methods into the Unions. In other cases they have been successful in diminishing the expenditure without seriously injuring the welfare of the paupers, a *modus operandi* which in these days of increased local taxation is highly commendable. In a word, the election of educated women as Poor Law Guardians has been a thorough success wherever it has been tried; and if social science will popularise this reform as it has so many other useful movements, it will confer a great benefit on the poorest, most ignorant, and helpless portion of the community.

Mr. J. Courtenay Lord, in a Paper on 'The Beneficial Action of the Girls' Friendly Society in promoting the Purity of the Nation,' referred, in the first place, to some of the causes which tended to increase the ranks of the vicious, mentioning the early age at which many children have to be removed from the influence of good parents by the exigencies of employment; the carelessness displayed by many parents as to the actions of their children; the vicious habits and examples of, and in some cases actual encouragement to vice by, the parents themselves; the late hours of employment and small wages paid to young people, and the inordinate pursuit of pleasure and lavish expenditure on dress indulged in by all classes. The Girls' Friendly Society endeavoured to counteract these evil influences by providing associates or friends for each of its members, to whom application might be made in time of doubt or trouble. Girls travelling in search of employment were met at railway stations by an associate, if necessary,

and taken charge of until placed in situations or under the care of real friends.

Associates also were appointed to visit workhouse schools and orphanages, and to befriend the girls when they leave these institutions, with 306 of which the Society is at present in connection.

Lodges were organised in which members might live and go thence to their daily work. One of these lodges had just been opened in Birmingham.

Instructive and ennobling literature was circulated by the Society.

Members were assisted in time of sickness, and tickets issued for hospitals and convalescent homes, the assisted members, if able to do so, paying a portion of the cost of their maintenance.

Lectures on useful subjects were delivered, attention paid to emigration, special efforts made to enlist the sympathies of factory and mill owners and their hands, and registry work undertaken with marked success.

There could be no valid objection to the rule excluding from membership girls who had already fallen. They could be dealt with in other ways, but not on the same lines with those to whom vice was an unknown thing.

The Society commenced its operations in 1875, and in 1877 there were 10,678 members and 4,442 associates, and now the numbers had risen to 83,085 members and 21,414 associates.

The Society afforded a splendid opportunity for women of all ranks to step forward and help in a grand national work.

'On the Abstraction from Public Use of Open Spaces and Wayside Strips of Land,' was the title of a Paper read by Mr. R. Denny Urlin, M.L.S.B. In the last century, the author said, open spaces were met with everywhere; and the traveller on horseback was not limited to the stony road —he used that wayside strip of green which was useful to every cottager, and added much to the health, welfare, and gratification of the poor and their children.

The open spaces have now mostly disappeared. Enclosure Acts have converted the larger of them into private property—a process in which (formerly, if not at present) the claims of the poor were little regarded. Many other wayside strips have been enclosed and built on; and in some localities at least the most miserable of the cottages—those

destitute of gardens—are found built on these strips. In many other cases the neighbouring owner has quietly enlarged his field, by taking in the strip between it and the road. The latter becomes in consequence nothing but a hard and dusty causeway, so many feet in width; and the poor have lost much which might make their lives more tolerable. So far as these spaces are built over the injury is beyond remedy. Where there has been no actual building Parliament might well interfere in two ways: (1) by prohibiting any enclosure of the wayside strips to the extent of ten or twelve feet on either side of the statutory highway; (2) by enabling the local authority, to reclaim and recover back, from those who have abstracted them from public use, the strips fenced in during the last twenty or thirty years. It is not necessary to touch the question of property. Half of the highway now belongs to the adjoining proprietor; but he owns it *sub modo*, and having once dedicated any way to the public, the latter have the full enjoyment. By an extension of this doctrine of public dedication to open spaces and wayside strips which the public enjoyed thirty years since, and have now been deprived of, this growing public mischief may be stopped, and the amenities of life in the rural districts much increased. The 'local authority' must not be the vestry, as over them, either as landlord or as employer, the abstractor of spaces probably has in all places much influence. It should be a more extensive and independent body, such as the Highway or Poor Law Board of the district, until a County Government Bill is passed; and in case of dispute the County Court judge should have full power to adjudicate.

In a Paper contributed by Mr. Jesse Collings, M.P., on 'Peasant Proprietary and occupying Ownerships,' the writer pointed out that Mr. Henry George, by his teachings, had made the people of England familiar with the arguments connected with the questions which could only be satisfactorily met by some practical means by which the people might be restored to the land from which they were now cut off. The charge of principles of confiscation was brought against Mr. George's views; a charge strongly illogical, seeing that it came from the territorial classes in this country, and the history of landowning in England having been more or less one of confiscation. The permanent well-being and safety of the nation must depend on the condition, the contentment, and the quality of the population; and the rural community, more than any other class, was necessary to the nation's welfare.

But this class was rapidly being destroyed, and the population was becoming more and more urban. The influx of rural labourers added to the evil of overcrowding and to the other social difficulties, and at the same time tended to lower the wages of the working classes by increasing competition in an already overstocked labour market. On the other hand, we had the great food factory—the land—with a demand for its productions always ahead of the supply, and its productiveness diminished by its deteriorated and labour-starved condition. Here was the real cause of the depression in trade. It was a common thing to speak of want of sunshine as the cause of the decreased production of the land; but it was certain that insufficient labour was the main cause. If all our land were occupied and properly tilled, and all our people were fully and well employed, there would be some excuse for the present state of things; but when we found so much land at home untilled, badly tilled, and going out of cultivation altogether, and at the same time there were fierce competitions in the labour market, our towns overcrowded, masses of people struggling hard to win their bread, causing 'bitter cries' from town and country—it seemed to him that a case was presented which demanded a prompt and decided remedy. There was no other system of landlords like those in England, nor would such a system be endured for a single year in any other country of Europe. It had half ruined the tenant farmer, and had kept the labourer in semi-serfdom, and now Nemesis seemed to be overtaking the landlord himself. If we were to take any industry in Birmingham, Manchester, or elsewhere, and place it under the conditions to which the agricultural industry was subjected, all the energy, invention, and enterprise necessary for success would speedily die out, and the inevitable result would be a decay and ruin of the industry so treated. Though 'free trade in land' would put more land in the market, it would not be likely to create buyers of the class we required. It was necessary to go a step farther, and give pecuniary facilities to the cultivating classes to acquire proprietary rights in agricultural land. Nothing needed to be said in defence of the principle, as it had been adopted in many parts of Europe. For the scheme he proposed it was necessary to suppose the existence of a representative government in the counties—a reform now before Parliament. He would suggest that the State should advance money on loan, at the lowest possible interest, to the local authorities, for the purpose of enabling tenant farmers to acquire their holdings,

and for labourers and others to acquire land in quantities according to their requirements and capital. The sum thus advanced should represent say four-fifths of the purchase-money, the remainder to be found by the holder himself. The local authority would charge the purchaser one-half per cent. more than the rate at which they had borrowed from the State. For instance, if the local authority had borrowed at 3 per cent., they would charge the purchaser 3½, which, on the four-fifths of the purchase-money advanced, would remain as a perpetual quit rent, to be paid by the owner to the local authority. The difference of one-half per cent., if invested by the local authority at 3 per cent. per annum compound interest, would in a period of sixty-six years extinguish the debt to the State, and the quit rent would then belong to the local authority—that was, to the people—for ever. The effect would be to gradually communalise the land, making the community the ground landlord, and the security of the State would be the land itself, supplemented by the local rates. The local authority would be secured by the margin of 20 per cent. of the purchase-money, which was provided by the purchaser, and they would have the further security of the increased value of the holding which almost invariably ensued when a man cultivated his own land; while the holder himself would be the absolute owner subject to the payment of the quit rent. The farms so purchased he would limit to between 150 to 200 acres each. With the object of assisting the labourers, the local authority should have power to purchase farms and estates, and divide them into holdings of from one to forty or fifty acres each, which should be sold on the same terms as those named above to all who might wish to purchase. The holders of the communal farms and holdings should not be allowed to sublet, though they might sell at any time, subject to the quit rent, to any other cultivating purchasers.

The following is an abstract of a Paper[1] on 'Wine Production in France,' by Mr. A. E. Bateman, one of the Hon. Secretaries of the Statistical Society. After referring to a previous paper read by the author in 1882, which showed the losses in acreage and produce of vineyards caused by the phylloxera, and the substitutes for French wine which had been introduced in consequence, viz., Spanish loaded wine, raisin wine, and 'Vin de Sucre,' the author stated that

[1] This Paper appears in full in the *Journal of the Statistical Society* for December 1884.

there was little change in acreage, yield, or price of wine since 1881, but 'Vin de Sucre' had decreased by a half from the forty-four million gallons made in that year. The phylloxera had been combated with success, but at a heavy cost, and the low customs duty of a penny a gallon was allowing increased importation of Spanish wine loaded with German spirit. The author showed the exact correlation between increased imports of German spirits into Spain and Spanish wine imports to France, and commented on the German spirit industry, which now exported 92,000 tons of spirits annually. The French wine industry was suffering, and it was likely that a proposal to tax wines over twelve degrees (20·9 Sykes) would be brought into operation next year, so as to stop the loaded Spanish wine. M. Pasteur's discovery for curing unripe wine made in wet seasons would probably do instead of liberty to fortify, which the wine interests had been demanding for some years.

Mr. J. William Tokes read a Paper on 'Compulsory Hall-Marking: its advantages to the Public and to Local Trades.' The writer stated that this question had been brought into prominence by the agitation against the gold and silver duties. Manufacturers, provided just rebate was allowed for duty-paid stock, might not have opposed this effort, had not the question of voluntary hall-marking been also contended for. Dealers or merchants might find advantages in importing or buying debased silver wares when compulsion was removed; but the upright manufacturer must suffer from unfair competition. There had thus been a distinct line of demarcation between dealers and manufacturers on this question. The public had taken very little interest in the matter; but importance had been given to it by the fact that a certain number of members of Parliament had taken up the brief offered by those who were agitating for a change in the law. Many speeches in the House of Commons had shown so little knowledge of the real state of the case, that it appeared as if silversmiths had not busied themselves to make the facts known in proper quarters, and the writer therefore thought it more desirable to explain the question on its merits, from experience derived from previous connection with an eminent firm of silversmiths, as well as from his present position as a goldsmith. The free-trade argument for voluntary marking was ridiculed as an effort to dress up the subject in second-hand clothes. Voluntary marking of silver bracelets had led to

the production of such debased articles, that the public now required a hall-mark, and generally obtained it. But gold and silver had, from most ancient times, special characters and relations. Recognised as best *media* of exchange, they had become universal standards of value; their degrees of purity had been defined by law; penalties had been devised and enforced against those who debased them. If coin, then, was necessarily maintained at high standards, were not the public entitled to some security that articles purchased in the same apparent metals were not indiscriminately debased? If it were felony to pass a base silver coin, why should another man sell with impunity base silver teaspoons? Freedom to cheat the public was not given in the matter of coinage; why should it be given in wares professing to be in gold or silver? The dealer replied, 'Trade marks were adequate protection.' In answer to that, Mr. Tonks quoted from the *New York Jewellers' Circular* in 1878, to the effect that the trade in America had become thoroughly disorganised and untrustworthy, because there was no standard of value, and suggesting that one should be established by Government as a protection to the public and to the trade. In recent confirmation of this, Mr. Tonks reported that three important pieces of silver plate, made by three leading houses in America, and bearing their trade marks, had recently been tested at Goldsmiths' Hall, and found much below the standards they professed to be. The author next quoted Mr. Greene's 'Report to the Foreign Office' as to trade in silver plate in Wurtemburg, showing how it suffered from the fact that the Reichstag had fixed no standard. This was confirmed by a largely signed petition from watchmakers and others in Germany, showing what great evils ensued from the voluntary system, and urging the establishment of a legal control. Coming to England, the silversmith was well aware of the conditions under which the British jeweller worked. There were numerous jewellery imports to this country, and, together with frauds in home production, not one article in ten offered for sale in England, and not one article of jewellery in twenty offered for sale in the colonies, were of the exact quality they professed to be. The vaunted freedom of silver plate in the United States was really a protection of 40 per cent. *ad valorem*, against all foreign competition. But a few years after the Philadelphia Exhibition, when European plate was largely shown, this duty was increased to 45 per cent. *ad valorem*. Yet advocates of voluntary marking stated that art in British silver

plate suffered through compulsory marking. In Birmingham, where Messrs. Elkington have their manufacturing centre, comment was hardly necessary. But most silversmiths were also manufacturers of electro-plate. The same dies and appliances suited both materials; at least 500 articles in electro-plate were manufactured in England to one of silver. Electro-plâte was free to our shores, and therefore it would pay foreign makers far better to show us their superior art in electro-plate, and sell 500 articles, rather than hold aloof till they could sell one in debased silver. Why did they not? There are two possible answers. (1) The English public were too stupid to appreciate foreign plate. (2) The comparative excellence of these foreign productions had been overrated. Certainly, it was added, the importer might make profit by buying in debased silver, and selling it as genuine.

The argument that Indian silver plate should be freely admitted here might be best met by having Indian assay offices working in harmony with the British system. This would secure the Indian market for British commodities, as it would secure the British market for standard Hindoo plate. But the new clause of the Inland Revenue Bill permitted silver plate of Oriental pattern to be admitted into this country on conditions on which the English manufacturer was not permitted to make or publish here. The cry of 'England for the English' had been heard before, and home manufacturers must complain of the introduction of foreign plate on conditions denied to themselves. The proved progressive character of the marking of plate in Birmingham in spite of trade depression, the advantages which the compulsory system gave to the public as guarantee of value, and its aid in detection and punishment of fraud, were cited, and the writer concluded by summing up the reasons adduced in favour of the compulsory system.

Mr. Jeston Homfray sent a Paper having as its title 'How to make the Land Feed the People.' The contention of this paper is that the land of the United Kingdom can be made to produce meat, corn, and vegetables in sufficient quantities for the wants of the population by an alternation of cultivation, without disturbing the property right of the owner, or the existing relation of landlord, tenant, and labourer. But to accomplish and maintain this, it is imperatively necessary that the cultivation of the soil be placed under Government supervision. As there are no agricultural

returns for Ireland, the explanation is confined to the area of England, Scotland, and Wales. Taking their cultivated acreage in round numbers at thirty-five millions, and the population at thirty millions, there are six acres of land to each family of five.

In justification of State supervision, it is shown that by the present law the landowner is not under any legal obligation to cultivate or improve his land, but may use his entire estate for pleasure or ornament, and may insert conditions in his leases injurious to the production of food; that he may allow his farm buildings to decay and his land to waste, and may mortgage his estate to its full value, and so put it out of his power to improve or keep it in condition.

It then proceeds to show that the principle of the Common Law, that conditions of restraint of trade are void, and that manufacturing tenants holding land on open contracts are entitled to remove their machinery and trade erections, is applicable to land; and that the landowner holds his estate under an implied obligation to cultivate it; and that this obligation 'runs with the land,' and controls his dealings with his title and enjoyment; and that its enforcement would remove all obstacles to full cultivation.

The paper then proceeds to show that nature largely renews the exhaustion of the soil, and only requires the cultivator to (1) return all waste products to the soil, and (2) to make good the deficiency by rotation of crop, which is equivalent to annual sleep. But to maintain the balance the whole area of the farm must be brought into rotation, otherwise the exhaustion of the part under rotation is unduly increased in a ratio proportioned to the area kept out of rotation, and it is contended that this is the cause of our deficient food supply. For fifteen millions of acres of permanent pasture have for centuries never had any rotation, while the twenty millions of arable have had to bear the whole burden of producing corn, vegetables, and forage plants—with this result, that the weeds have smothered the permanent turf grasses to a great extent, and have so weakened the feeding power of the turf and its hay that it has required one-half of the arable land to come to its assistance, and in addition to producing wheat and vegetables for human wants, to grow roots and forage plants, oats and beans for our cattle; and that even this has proved insufficient, and so artificial, *i.e.* unnatural, food has to be resorted to. Deficient crops of corn result in a deficient supply of farmyard manure, and this has compelled the farmer to use artificial manure.

This strain is exhausting the arable soil, and arises from keeping the fifteen millions of acres of turf out of rotation. There ought to be two kinds of rotation—(1) the greater, by which the proper area of turf should be kept in grass for say thirty years; and (2) the lesser, which should consist of two corn crops followed by one manured vegetable crop.

A popular explanation of the fertility given to the soil by rotation is this.

Pasture grasses have short roots, corn grasses long roots. So while the land is in turf the subsoil is at rest, and the rain washes manurial matters into it, out of the reach of the grass roots. Corn grasses are provided with long roots to sustain the corn from being blown down into the undergrowth of weeds. Thus nature has made this rotation of turf and corn the means of maintaining a perpetual fertility. The lesser rotation gives only a biennial rotation of corn and roots; but this benefit is also gained by a succession of long and short-rooted plants.

By bringing the fifteen millions of acres of old turf into the lesser rotation, the yield of corn and vegetables would be enormous, and the quality would be perfect; while by seeding down the exhausted arable a fresh turf, free from weeds, would be got, sufficient of itself to fatten our cattle and yield first-class meat, milk, and butter. The seeding down of exhausted arable is being done at the rate of a quarter of a million of acres a year, with the best results.

Cattle diseases are caused by deficient herbage and unnatural food and manures, and would disappear were the turf and arable counterchanged.

The following is an abstract of a Paper 'On a Proposed British Society for the Textile Industries,' by Mr. B. H. Thwaite, C.E., F.C.S.: The value of technological education is now so practically recognised in this country, that it would be superfluous to dilate upon the great advantages derivable from it, but although this branch of education is so necessary, especially for Englishmen, whose country depends for the major portion of her revenue upon the production and sale of manufactured goods, yet the higher and continual development of technical processes can only be assured by a continued practice of research and intercommunication by and between men actually engaged in the manufacturing operations.

The importance of this latter and crowning industrial educational principle has long been recognised on the conti-

nent, and in no provinces more than Alsace and Lorraine, where, for upwards of half a century, manufacturers have had mature technological schools for their own instruction, as well as for the artisans, and for the intercommunication of new ideas and inventions of advantage to their staple industries, in the form of societies of industry. Indeed, although these provinces have been the scenes of gigantic death-struggles between two mighty nations, nevertheless prosperity has continued uninterruptedly. One of the towns, that of Mulhausen, may be considered to be one of the most enterprising in Europe, and within whose walls live the happiest and healthiest of operatives. The Society of Industry of Mulhausen, to which the town of Mulhausen owes the initiation of most of its admirable scientific, civic, and philanthropic institutions, has been fully described by the author in a brochure, but is briefly and admirably described in the second report of the Royal Commission on Technical Education, which should be read by all who wish well to their country. Briefly, the Society of Industry was constituted for the advancement and propagation of industry by the reunion of a great number of elements of practical instruction, by the communication of discoveries and remarkable facts—as well as the observations which they have given birth to—by manufacturers, managers, and the more intelligent artisans actually engaged in manufacturing operations.

The advantages of such a society for the textile industries will doubtless be readily acknowledged, as no branch of industry is so completely the result of the intellect and genius of man. Both wonderfully comprehensive and ingenious are the mechanical motions of textile-producing machinery, and it may be safely asserted that there is no branch of the ever-developing science of chemistry more worthy of continued investigation than that concerned in the production of colouring matters, or dyes; and it may be still further stated that no branch of art education has more influence in training and developing the art instincts of the people than that of decorating and dyeing textile fabrics. In this branch of applied art, not only is there a great number of work-people employed, but the artistic products, constantly before the eyes of those associated with them, must have a cultivating and refining influence. Hence the formation of a society to represent the textile industries of Great Britain would be incalculably beneficial to the nation. Already we have the Iron and Steel Institute and the younger

societies of chemical industry and the dyeing industries; all these societies have proved immensely advantageous to the industries they represent.

Since the author first suggested the formation of a British Society of Textile Industry, in his work on 'Our Factories, Workshops, and Warehouses,' he has become more and more impressed with the advantages which would accrue, not only to the textile manufacturers, who would ultimately gain by the acquisition of means of production more economical and artistic than heretofore, but to the operatives as well, who would probably gain by having healthier and safer occupation, and the British public would benefit by the reduced cost of textile fabrics; and it would certainly have the satisfaction of being assured that the combined skill of the manufacturer, manager, operative, chemist, engineer, artist, and merchant was concentrated for the single and united purpose of effectually protecting and developing the great textile industries of Great Britain in the face of increasing foreign competition.

ART.

ELEMENTARY INSTRUCTION IN DRAWING.

Ought Elementary Instruction in Drawing to be made an essential part of the National Education? By J. P. SEDDON, F.R.I.B.A.

THIS question contains three distinct points of importance requiring consideration:—

Firstly. Is it possible to make even elementary drawing part of a national education?

Secondly. If it be possible, is it desirable; and should it be done at public cost?

Thirdly. If both possible and desirable, what should be the character of the elementary drawing to be taught?

I shall, therefore, proceed to consider the subject from each of these three points of view in succession.

Firstly, then, as to the possibility of such an undertaking. This, which is necessarily the preliminary question, may, I think, be answered decidedly in the affirmative; that is to say, that every person of fair, ordinary intelligence can be taught to draw, at any rate to a sufficient extent to subserve many valuable practical purposes. Drawing is, I believe, very much easier to learn than writing, because it is a far more interesting occupation in itself, and the result of it is the more immediately visible and encouraging. The composition of 'pothooks and hangers' with strict literary precision is in itself a tedious process, and one that makes a far greater demand upon the patience and faith of a student than elementary drawing does. During how many years in the youth of most people is a considerable portion of time devoted, almost daily, to the mere acquisition of a facility to form creditably those cabalistic signs of the alphabet; and with what a lamentably inadequate result in general! This is because letters represent nothing particular in themselves to the mind, and the effort to make them consequently

becomes burdensome, whereas drawing is in itself a naturally pleasurable occupation. Most children of their own accord seek to be permitted to make attempts to draw, and, when allowed to do so, generally follow them up with tolerable persistence, and, if they abide by the well-known motto, 'Nulla dies sine linea,' they soon make appreciable progress in the art; whereas, on the other hand, as a rule, young people have to be constrained to learn to write, and they look upon the task as one to be avoided if possible; and the proficiency they attain in it is seldom either rapid or remarkable.

The Indian savages that were discovered by the Spaniards on their landing upon the shores of America are said to have transmitted to their monarchs fairly accurate drawings of the persons and belongings of the wondrous strangers who had invaded their country, instead of being content to give merely verbal descriptions of them. How much better, or rather, perhaps I might say, how much worse, than those savages are we English of this nineteenth century, if we are not to be credited with equal ability to receive and profit by elementary instruction in the art of drawing! No further argument appears to me to be needed to prove the first proposition, namely, that the proposed undertaking is a possible one.

The second point for consideration is whether, granting it be possible, it is a desirable thing to do, and so desirable that it ought to be carried out at the public cost. Now it is obvious that this question has to be viewed both in regard to the advantage of the individuals themselves, and in the light of the public policy. In the former case there can be but little doubt but that it would be highly to their own advantage to have opportunity afforded to them of availing themselves of their inherent power of learning to draw, and that this power should be reasonably developed; for whatever be their rank or position in life they would thereby be made more efficient, and therefore more valuable instruments for their special work in the world; and they would also become endowed by it with means for their self-amusement and gratification. They would, in fact, become in consequence more capable and happier beings.

Then, again, from the public point of view, the desirableness seems to be equally evident, since the profit and pleasure of the community are very dependent upon the capacity of all its members to be able to perform properly what the rest may require of them. Now in truth a man can hardly be considered human with this capacity for drawing

being left so completely undeveloped, and in abeyance, as it is as a rule in England in this nineteenth century. He is not really a being capable of properly ministering to others as he should be. Nine people out of ten, for instance, nowadays, when asked to describe an object or a place, bewilder their questioner with futile gyrations of their fingers; but, if requested to explain their meaning more definitely by means of drawing, at once sadly deplore their inability to do so. Now the Mexican monarchs would have gleaned but little accurate knowledge of the Spaniards, with their equipments, from their messengers, had those savages, as we somewhat naïvely call them, been unable to draw.

It were well, then, that the powers of expression of the tongue, great as they undoubtedly are, should be supplemented by those of the fingers, which are now generally left dormant; and it is not unreasonable to suppose that many a social conflagration, due to quite unintentional misrepresentation on the part of the owners of the former incendiary organ, would then be prevented.

Even then, for the simple purpose of making people intelligible, it is certainly desirable that they should all receive some elementary instruction in drawing; and in case of those that are not able to afford it for themselves, this should, in my opinion, be provided at the cost of the State, as being more practically useful to everybody than many of the by-roads of literature which are now taught in our National Schools. As to its being attainable to such extent, it does not need the special skill of a Giotto to be able to draw a round O, at least with sufficient precision to make it represent a hoop to the comprehension of the veriest savage.

But drawing in reality does far more than stand for or illustrate words. It teaches, and indeed compels observation, and thereby becomes in itself a most valuable system of education. Therefore, from this point of view also, its importance is so great that it ought certainly to be made an essential part of the national education. The majority of people are, it is true, in the possession of good eyesight, but unless they have been specially taught, or of themselves learned to draw, paradoxical though it may appear to say so, they cannot, or at any rate do not, for want of this training, see properly; that is to say, they do not really observe with any degree of accuracy. What sustained practice is capable of doing in this matter of observation may receive some illustration from the recorded experience of the conjurer Houdin, which is related in his autobiography. Passing a

shop in the Rue Rivoli in Paris on one occasion, with a friend in the same profession as himself, they both tried, for the sake of amusement, to ascertain how many objects they could observe and describe with some accuracy. Perceiving afterwards the extreme utility of such an exercise in regard to their special craft, they made this occupation a daily practice, and, after having pursued it for about six months, they found that they had become able to enumerate and describe every object in a shop window that they had passed only a single time.

On the other hand, it must have been the want of trained observation that was the cause of the very able painters Claude and the two brothers Poussin remaining all through their lives content to draw, out of their own imagination, trunks of trees tapering like the roots of carrots, and foliage-like bunches of leaves tied on to the ends of sticks. The world has, it seems, condoned the glaring inaccuracy of these artists in these particulars, because of the exceeding excellence of their colouring and the artistic feeling which pervades their work; but really, in all probability, this has been because the fact has escaped its own notice; for it took the almost uniquely-trained observation of a Ruskin to discover its existence. Indeed, past generations and the present, until he opened its eyes, appear to have remained in the same happy ignorance of it, as people generally are of the character of their own faces, which, although they see them often enough in a glass, they straightway forget as soon as they have gone their way. By the very process of being taught to draw, young persons have the shapes and other details of what they are set to imitate engraved as it were upon their minds. They thus learn what are the points they should notice and how to observe them, and so a valuable habit of attention to details and accuracy in recording them becomes engendered. This cannot fail to prove of extreme utility, both to themselves and to all other persons with whom they may come in contact in after life.

There are besides several other, perhaps subsidiary, yet obviously moral advantages, as well as a considerable amount of pleasure to be derived from the art of drawing, as an occupation for leisure hours; and it further enables people to enjoy and understand more thoroughly, because more critically, the manifold beauties of nature and art with which they are surrounded. But, after all, in view of the cost of tuition being borne by the public, in case that elementary instruction in drawing should be made a part of

the national education, the strongest reason why it should be given is that it would form a most material aid to that technical instruction which has now come to be universally recognised as having a quite vital importance to the English nation. The very stringent competition which it already has to meet in all branches of its manufactures from other countries is likely rather to increase than diminish hereafter. Foreign artisans are fully conscious of the value to themselves of gaining a facility in drawing, and are not likely to neglect this valuable source of self-improvement. Whatever be the trade or the occupation in life, to be able to draw correctly is sure to further its interests, and to improve the character of the work done in it. The mason, the carpenter, the joiner, the plumber, and the carver not only require to understand and to be able to work intelligently from drawings that are supplied to them, but they would be more competent and therefore more valuable artisans if they were able to draw for themselves. The same thing may be said of almost every other handicraft in existence, and particularly of all those which are in any way connected with practical engineering and architecture, with the furnishing and decorating trades, or with artistic manufactures generally.

I think then that I have adduced quite sufficient reasons to prove that it is both possible and desirable to make elementary drawing an essential part of the national education, even if it be at the cost of the public, for those classes who are not able to afford it for themselves. It now therefore behoves me, in the third and last place, to consider what should be the character of the elementary instruction in this art which should be given.

With regard to this, it is of the utmost importance to keep prominently in mind throughout the practical technical purpose for which mostly this drawing is needed by the nation in general.

Now this purpose is entirely distinct from that which has been the aim of that artistic instruction which has, for a considerable number of years, been given to a large class of the community under the auspices of the Governmental Department of Science and Art at South Kensington. That has been upon so large and liberal a scale that, at first sight, it might seem to entitle it to be called 'national,' and certainly the great movement which has been inaugurated by that department neither should nor could be ignored in such a discussion as this, for the results of the work it has done are obvious in the great improvement that has taken place in the

designs of the artistic manufactures of late years; a large share of which, yet a share only,[1] may fairly be credited to its efforts and organisation.

The object of these Government schools of design has been the training of decorative artists of various classes, men whose lives are devoted to one or other of the numerous branches of decorative art, to whom the character of the elementary instruction they receive is of comparatively small importance, since their talents and continued exertions may be trusted to carry them beyond its influence sooner or later. In criticising this elementary instruction then, as I feel bound to do, I wish it to be understood that I do not wish to take exception to the work of the Department in general, but only to a portion of it which happens to be a comparatively insignificant one as regards its own pupils, and one no doubt affecting but slightly the objects of its aim. When, however, we are about to deal with the character of the elementary instruction which ought to be given in the national education to the nation at large, it is obvious that the question of the nature of this becomes an all-important one; since as a rule, whatever it be, it would be the only one given, and would form the end as well as the beginning of the instruction the majority would receive. If therefore this be not right in principle, it were better omitted altogether.

It is not now only the designers, but the whole body of the executants of our multifold manufactures, for whose instruction in the elements of art I am pleading, and the character of the drawing that they require is such that, while it would tend to their practical improvement, it would leave those who are workmen workmen still; but workmen endowed with increased power and intelligence in their own crafts, and not such as would unsettle them by turning them into or giving them the ambitions of indifferent oil-painters or water-colourists, of pseudo-architects or decorative designers, for so many of whom there would be neither room nor need in the country.

Now there is a right method and a wrong method as regards elementary instruction in drawing, as is the case with most other things in this world: and unfortunately, as so often happens, it is the wrong one which is generally followed. This wrong method has unhappily obtained the curious misnomer of 'freehand,' whereas there is little that

[1] I may and do claim for members of the architectural profession who have been widely and wisely employed as designers by manufacturers a still larger share.

can be called free about it. Freedom permits a man to use his own eyes for observation, and his own intellect in its translation by the hand, but this system compels him to follow those of another and is veritable slavery, leading to mannerism. It consists in teaching drawing by copying drawings instead of objects; and its error lies in its directing the mind to the observation of what is unimportant to the neglect of the important, and what are mere matters of detail to the prejudice of the grasp of the whole.

The damage that this single error in elementary instruction in drawing has done is simply incalculable. It has given a wrong bias to the art of the country. Persisted in, as it commonly is by amateurs, who learn sketching and water-colouring by copying the drawings of their masters, it stifles originality and perpetuates the worst mannerisms, till even the foliage of the various trees is rendered by them with specific dodges of the pencil or brush. For a long time (I know it was so when, in my youth, I attended the Government schools) this 'freehand drawing' formed the routine to which students had to submit—for a longer period than I believe is enforced now. At present, I understand, the fault of the system being felt, the course of 'freehand drawing' from copies has fallen into comparative neglect, and students are now allowed to escape from it much earlier in their career. The reform, however, the necessity of which is so recognised, has taken the course of the elementary stage of instruction in drawing being shortened, not, as it should be, changed altogether in character. It is indeed escaped from, but it is into the next advanced stage, of the model room with its shading instead of line drawing, and then with the wrong bias that it has given to begin with.

Now, in the instruction that should be made part of national education, it is obvious that there should be no escape from the elementary stage, which is all that the majority need. Therefore the elementary instruction should be both right in character and thorough. What is wanted is simply line drawing—that is, correct draughtsmanship with the pencil or point, without the stump or the brush, without shading or colour, and this gained by drawing from objects and not by copying the drawings of others. Having on several occasions had to superintend, or rather only watch, examinations in drawing in National Schools which are held in connection with the Government schools of design, I have had some opportunity of forming an opinion with regard to them. The pupils attending them are of the

very class for whom this elementary instruction is wanted, and not of the same class as those who attend the Government schools of design. The task has always been a painful one, from the feeling it has given that the system followed is not a suitable one for those to whom it is thus applied, that it is productive of scarcely any good result, and that practically these examinations have been little better than a farce. The pupils in the junior class were all supplied with fac-simile lithographic copies of some ornamental design, and with paper and pencils to make from those what are called 'freehand' studies in a given time. The pupils have, as a rule, been quite ignorant how to begin their work, and have made no attempt to block in first the design as a whole, or to mark out its leading lines and divisions, but invariably have proceeded at once to copy the outlines of one side of the ornament, and then to follow its sinuosities painfully and without understanding them. By the time the pupils have reached the corresponding part of the opposite side, if it have been reached at all, they have found to their despair that the outlines of the two halves would not unite. The whole operation has thus been worse than a fruitless waste of time, the work having been founded on a wrong principle. The papers have afterwards been gathered together with many a sigh, and sealed up for transmission to the Department, with but little hope that anybody would be edified by them, and with the probability that they will lead to a lecture being addressed to upon insufficient grounds, that the class from whom the pupils have been drawn is one hopelessly incapable of ever being taught to draw at all. Afterwards the older, but hardly more advanced, of the pupils have been set to try their hands at model drawing from objects, but the vice originally engendered by the 'freehand' studies has followed them. The same plan of teaching how to commence, by looking in the whole first, has been thwarted, with the same painful following of the outline of the details of one side of the object at a time, and with the inevitable result of the outlines not meeting at the end, and the same final despair. Thus all the good intentions of the authorities seem to have been unhappily frustrated.

Such a system, I must own, appears to me, as regards elementary instruction in drawing, to be an example of how not to do it. Now, how to do it was to my knowledge once exemplified in a school of drawing established by some artists of standing, among whom was the historical painter, Ford Madox Brown, Esq., who is now engaged on the paint-

ings in the Manchester Town Hall), especially for workmen in the year 1850, called the 'North London School of Art,' in Camden Town. Mr. W. Cave Thomas, another well-known historical painter, was master, under whom the proficiency attained in a short time by most of the students was really astonishing, and I quote the following explanation of this fact written at the time: 'This was, no doubt, principally due to the system which had been adopted from the first, and which taught the pupils to copy from objects instead of from drawings, as then practised in the Government schools. In the course of a very few months many of the men and boys, who had received no previous training, were able to copy elaborate casts with such fidelity that it was difficult to discover errors in their work.'

The fact is, that if you give a student a single object to draw, such as a leaf, the construction of which is obvious, or a cast of one as more convenient, his mind grasps at once the problem that has been put to him; he naturally looks at it first as a whole, and with time and some help to begin with, he will soon be able to solve it. Whereas, if a drawing of a leaf be given him instead, he looks merely to the lines, as if they were the problem, and he loses himself in the detail which they represent.

The help spoken of as required at starting is really nearly all the elementary instruction needed, but it may be asked why not as well with the 'freehand' copy as with the object or model? But even a teacher naturally in the former case directs the pupil's attention to the details of the lines to be copied, and in the latter there are none to distract attention from the whole. Foreshortening in a model is a matter that explains itself; but in a drawing, the reason not seen, it appears distortion, and is sure to become so in an inexperienced copy. In fact, if any of the elaborate 'freehand' studies conspicuous in all exhibitions of prize drawing be closely examined, the outlines of the leafage will be found to be all distorted more or less, in a manner which could not have occurred in the case of drawings made from models in relief.

The object of elementary instruction in drawing being to teach the eye to observe and the hand to depict, clear definite line draughtsmanship is all that should be attempted by it, and to obtain this would be an incalculable benefit to the nation. The more advanced might, of course, follow other more complicated artistic processes, desirable enough in themselves, but not such as need to be made an essential part of national education. Geometrical and perspective

drawing would, of course, be most valuable adjuncts to many technical branches, but could not be universally acquired. Light, shade and colour should, in all cases, be left until after the acquisition of accurate power of true draughtsmanship; for the fatal facility of the stump to produce a pleasing effect of light and shade, which may cover indifferent drawing, is a snare now to the numerous students who, as it has been explained, escape from elementary instruction in drawing too soon.

Not only English, but all modern occidental art, seems to have lost precision, in consequence, as I think, of the wrong bias 'freehand' copies have given, and of the consequent impatience of the drudgery to learning line drawing properly. The civilised world seems full of amateurs, and even artists, who can produce pretty or pretentious but inexact effects with the stump or the brush; but it is sadly empty of such as can draw clearly and accurately objects with the pencil or the point. Whereas, in comparison, Oriental drawing is altogether better and different. The Japanese, for instance, seem a nation of draughtsmen. They seem able to draw in the fewest necessary lines all manner of natural and other objects, with perfect precision, and to give the essence of their character, as it were, in a species of shorthand. This is totally different from, and superior to, the sort of 'Impressionist' smudges which have to do duty for the like generally in Europe. If England, then, is to undertake to make elementary instruction in drawing an essential part of its national education, depend upon it that to make it serve any really useful technical purpose it must be somewhat after the character of that of the Japanese.

The drawing of the human figure would, perhaps, hardly enter into any general scheme for elementary instruction, but as it is so highly important a branch of the subject, it is impossible to pass it by wholly without consideration. It is, in fact, the ultimate aim of all good draughtsmanship. The human figure, also, is the scale by which all architecture and architectural details should be designed; and it is to this that all furniture and clothing must be made subservient. Carvers are continually representing, or perhaps generally misrepresenting it, and therefore need to be taught to draw it properly. The mediæval carvers and glass painters must have been able to do so, but it must have been by some other method than that adopted in our schools of design.[1]

[1] This has been affirmed and explained by Viollet le Duc in the article 'Sculpture' in his *Dictionnaire de l'Architecture.*

The character of figure drawing wanted by architects, and the workmen connected with architecture or its furniture, is such as will enable them to get the general proportions and poses correctly. This is to be obtained by rapid, though careful, sketching of the human figure in numerous and various attitudes, and not by laborious imitation of the light and shade on its surface, such as doubtless painters and sculptors require; and yet the students in the schools of art seem, all alike, to be put to this latter class of work alone, spending too much time, in my opinion, in furbishing up drawings, as if for exhibition rather than practice, *with the stump*. A few noses and eyes, some hands and feet, and then a head or two, and lastly some statue from the antique, comprise the opportunities of most for study, before they are promoted to the life and involved in the mysteries of colour, as if they were all to be portrait or historical painters. Thus, again, it seems to me that they get lost in the detail before they attempt to grasp the whole, which may be very well for those who have a lifetime to devote to art, but not for those who seek only artistic improvement for their practical work. Would it not be better, as a rule, for such to have had the opportunity of drawing the outlines and proportions of a dozen figures than to have elaborated the surface of one? At any rate, I venture to suggest that such should be the limitations of any development of the artistic instruction that may be established with the aim of furthering the technical education of the country.

In conclusion, at the risk of becoming wearisome by repetition, I would once more recur to the purpose of drawing being to develop the powers of observation, and facility of depicting what is observed, as on the Continent, I believe, an attempt is being made to train students to draw rather what they know than what they see, which I cannot but consider to be a mistake. Certainly, at any rate in elementary instruction, it is desirable to simplify the task as much as possible, so that even with regard to perspective its results, as measurable by the eye, should be taught rather than those which are obtainable by the rules of that science.

It is true, indeed, that in other subjects besides the human figure the anatomy of the structure regulates the outward form, so much so, that without some understanding of the former it is not possible even rightly to perceive the latter; yet in regard to elementary instruction it is better to avoid this complication of the problem. Turner, it is said, sometimes repudiated all knowledge of those laws of nature which

Mr. Ruskin insisted he so implicitly observed in his works. Art has to deal with the visible, and, if the ordinary public can be brought to observe that, and to draw it in a clear and definite manner, all will have been accomplished that could come fairly within the scope of that elementary instruction in drawing which could be considered as an essential part of national education, and as such chargeable at all on the national purse.

On the Same.

By Rowland Hamilton.

I HAVE a twofold object in venturing to address the Department of Art of this Association upon the question proposed. I desire, on the one side, to enlist the sympathy of those who love and understand art in this great national movement, and to show how essential their active co-operation is for its due development; and further, to indicate some of the ways in which art itself will be benefited, though not *exclusively* benefited, by its extension. I am well aware that this object cannot be attained by the mere stroke of the pen in an official mandate, or by the recommendations of public meetings. Action of a much more practical kind must be taken. We have, in short, in the first place, to educate public opinion, and next, to educate teachers themselves, before this method of instruction can be recognised as generally expedient and applicable to the training of children.

The primary question is physiological in its character, and must be determined by a careful consideration of the way in which our faculties are developed from the earliest stages of infancy. The very first thing that we want baby to do is to 'take notice,' and the very highest results of Herbert Spencer's ultimate analyses rest upon primary facts 'in consciousness,' behind which we cannot go. Just as chemical science shows that simple atoms are combined to form compound molecules, and these molecules are compounded and re-compounded with other atoms and other molecules, until those highly complex substances are formed which constitute the tissue of our brains and bodies—substances so complex as to baffle the utmost skill of the analyst—so it is with the mind. Our ideas are built up of simple perceptions, and if these are obscurely and indistinctly realised the results must be contorted and confused. It is

equally true that we have not to build up from the beginning our knowledge either of the substances we see around us, or of the ideas we form about them. These processes have been done for us in the course of many ages, and we inherit faculties which enable us to recognise concrete facts and concrete ideas; and it is just because they have become thus concrete with a distinctive individuality of their own that we do, especially in childhood, receive them without question as simple perceptions; and the reflex, and in some respects retrospective, efforts of conscious analysis are a work fitted only for the more mature powers of the mind. What we have first to evoke is the simple faculty of observation and discrimination. The child soon begins to see how far things familiar to it are like or unlike. At first it puts the square peg into the round hole, and the consciousness that they do not fit comes to it by degrees. It has to try a little practical experiment over and over again before it can see that it is not in the nature of things that they should go together. The faculty that discriminates between different shapes and sizes gains strength and activity by frequent exercise; but the growth of a child, both before and after it has a separate existence in the world, is an epitome of the course of the evolution of the race. The power of simple observation comes first in the course of nature; and if this be either neglected, or, perhaps still worse, if it be superseded by a premature call upon other faculties which come later in the due course of development, the evil is very great, and often irreparable. For only by timely cultivation does this vigour of perception become instinctive and automatic, so that it is exercised independently and without conscious effort. It is on the alert as long as life lasts, to correct the more recondite results of reasoning by direct reference to the manifold experiences which life affords to the ready-witted observer.

There can be no doubt that the due exercise of the eye, regarded merely as an organ, tends to its healthy development. I may cite in illustration the testimony of Canon Routledge, one of H.M. Inspectors of Schools. Some years ago, when the subject of colour-blindness was under discussion, he wrote to the *Times*, stating that though he had for a long time given attention to the subject, he had never found a case of this defect in a child who had been properly trained in an infant school. He did not say that no such case had ever occurred, but this experience well accords with one of a more general character, viz., that while the comparative

weakness of a special faculty is by no means uncommon, its total absence is very rare. The training implied would consist of those lessons in 'form and colour' which are now recognised as an essential part of the training of infants. No child with the colour sense naturally weak would, it is true, be likely to become a good judge of the finer gradations of shade; but it is no small gain to save him from an absolute defect which would greatly interfere with his prospects in after life.

But the art of seeing is not merely a question of the mechanism of vision. The brain lies behind, and here we come more fully into the training which can be secured by the early study of drawing. There are nerves to transmit, and a brain to interpret, the reflections thrown upon the retina of the eye. Early training enables the hand to trace what the eye actually sees: more or less perfectly it reproduces natural objects as they are seen, and the familiar likeness is easily recognised: failing such training, the hand will not only be unable, from want of manual dexterity, to delineate what the eye perceives; but the whole mental and physical process of seeing will rarely be fully developed. Unused to careful and exact observation, the untrained tyro gets into confusion between what he *knows* of the objects regarded and what he *thinks he sees*. He in all probability will attempt to depict objects as he knows them to be by inference, and vainly striving to draw what the eye never has seen or can see, falls into hopeless confusion. The laws of perspective are not seen to be in accordance with the familiar aspects of things, and an aid to give exactitude to the representation of them, but are an inscrutable mystery which only makes the confusion worse confounded. A tree with all its lights and shadows is painted all one green: the leaves are green; he knows that, at all events; and it must be so. One poor fact alone is known; the ever-shifting range of varied beauty is never duly realised. The true art of seeing can be learned later in life only with much pains and difficulty. Timely instruction ensures the natural growth of those closely correlated faculties by means of which we not only see, but can understand and depict or express, what it is that we see.

There are two strong reasons why the early training in drawing should be under the direction and influence of those who are profoundly imbued with the true knowledge of art. It is only knowledge of this high order that can combine truth and simplicity in the way which will best aid the young

pupil. He will thus learn much, and have nothing to unlearn. And further, his perceptions will never be deadened by false and incongruous presentations of artistic subjects. But here again we must take heed that that part of the work which is directly educational is duly adapted to the conditions of the childish mind. Everything that is bad and false in art should be inexorably excluded from the school; but it does not follow that all that is good in art is suited for the purposes of instruction in its earliest stages. Of course, children differ much; the selective taste displayed by some at a very early age is truly marvellous, and nothing should be permitted to debase this rare faculty. Still, for the most part, young children have not a perception of the more subtle beauties of nature, but the faculty for appreciating them may be not the less strong because it is not developed with exceptional precocity. Infants want the simple phases of moving life depicted to them. Things familiar to them, horses and carts doing something, farm work or town work, as they are used to see it, attract attention, and afford both amusement and instruction. Many teachers of experience give preference to somewhat rough and inartistic pictures which are full of movement and incident over far more artistic representations of still life; and I think they are justified by sound reason in so doing. The wisdom of overcrowding a picture with all sorts of incongruous objects, lions and sheep, and eagles and geese, ships, churches, avalanches, and corn-fields, all pell-mell together, may well be doubted; but it is surely possible to provide pictures free both from outrageous incongruities or offences against artistic taste, and yet with sufficient life to call forth the curiosity of a child, and, I repeat, affording healthful training to those faculties which in the due course of nature first spring into activity.

Even these primary faculties themselves are only developed by degrees. The more delicate contrasts and harmonies, which afford the most exquisite pleasure to a more mature taste, are lost upon young children. They do not see them fully—see them, that is, with an adequate power of comparing the component parts which make up the whole. Something more simple is wanted. Mere multiplicity is in itself confusing, as indeed we all know through life; it is only a question of degree. Nature takes care of her little ones for the most part in this respect: it is curious to watch how in some way of their own they will generally select some few things out of many, to which they will pay attention: to

interfere with them prematurely will only do harm. It is far more likely to weaken and dissipate, than to enlarge, the range of their observation. In like manner, to analyse and break up an object with which they are familiar in a simple concrete form, and thus disclose the multiplicity of its parts, is not a course to be adopted at an early stage. At the late International Conference on Education at South Kensington I had an interesting conversation with an art teacher, who showed me among other things some drawings in colour by very young children. Rough and crude they were of course, but I am inclined to think the powers of delineation and of observation were very much on a par, and both were under the healthy stimulus of appropriate training. I noticed in one of these sketches some birds very much out of drawing, but, to my remark that a little careful copying would soon remedy such defects, he replied—and on reflection I am convinced that he replied wisely—to the effect that he would be in no haste to begin work in that way. As the power of seeing correctly advanced, the power of representation would advance also, without prematurely subjecting the immature mind to a process by which at that stage it would lose far more than it could gain. We have, after all, only a certain amount of power to expend, and the real question is how that amount can be best employed, and what modes of employment are best fitted to the stages of mental growth. The power of expression, whether by the hand or the voice, and the power of observation on which it should be based, are not developed, as we all know, by any general rule or measure of co-ordination. Some express far more than they really know with much fluency and a certain degree of self-consistency most dangerously misleading, especially to themselves; while others find the difficulties of description are the greatest which they have to overcome. The *higher* work of true education, surely, is to draw out that faculty which is the basis of all knowledge; and though no one will deny the value of instruction in the art of expression, it must be admitted to be in its very nature subordinate to this higher faculty which realises the ideas expressed.

The value of drawing as a means of education consists most essentially in the facility which it affords for the simultaneous training of the hand and of the eye, while it supplies a natural test of the attention which the pupil has succeeded in giving to the object before him. I advisedly use a phrase which does not take for granted that all children have the same power of fixing their attention: much depends on

inherited capacity, and much also on the way in which it has been brought into exercise long before any formal teaching was thought of. Taking the pupil at the earliest age to which such training is appropriate, great differences will certainly appear in this respect. But it by no means follows that only those who show a precocious aptitude should be exercised in it. On the contrary, a full moiety of primary instruction—I do not here refer to any distinctions in the social scale—is best directed to remedying defects and weaknesses; and this is especially true of a faculty of such constant use as that which enables us to prove that the difference between 'eyes and no eyes' chiefly depends on the exercise of 'the will.' The task which is easy to one may be hard to another, but the habit of 'taking pains' makes taking pains easy, and a useful habit is not the less serviceable because laboriously acquired. Emulation duly controlled is a most wholesome stimulant, the more so as, happily, the standard of merit which all true educators recognise and maintain is not that of easy success, but of efforts bravely and cheerfully made; and, moreover, we have all of us naturally strong and weak points, and this standard is one which can be very generally applied to all in turn.

Let me now refer very briefly to some of the many ways in which the art of drawing—or perhaps rather of delineation—can be applied as a means of education. I have already recognised that from the first the artist should have a power of veto. Art is not confined simply to that which is pretty or even beautiful. The sentiments of awe, pity, and dread may be called forth by it, and those discords which are but 'harmonies not understood' are within its domain. But with these higher mysteries of art we are not now directly concerned, but rather with primary faculties, common both to art and to other ends of a more prosaic kind which are not so characterised, though all work faithfully done, all means deftly and skilfully applied to the ends desired, may claim some kindred to art, as distinguished from the clumsy, half-suited, ill-designed makeshifts which now make up so large a portion of the common work of the world.

Given a well-trained power of observation, and a hand with some ability in delineating that which is discerned, we have a faculty that may well claim to be another 'gateway of knowledge,' another mode of expressing facts and of conveying useful information which is of very general application. To take the humblest first, what a gain it would be if people generally could call in the aid of their hands to

express many simple things which are yet very hard to convey by word of mouth! A rough sketch, not even drawn to scale, but with measurements given, is a great help in explaining the nature of work to be done, or even of a fracture to be repaired—a broken trace or shaft, or a new leg for a table. And even though the hand may be inapt, a knowledge of simple plain drawing enables a workman to understand far better the plan on which he has to work. It is, for instance, no small gain to be able even to understand a map; and map drawing must be not only very imperfectly, but very unintelligently taught, if it does not at least help the learner to recognise in nature the features delineated by the graphic methods used in cartography. It is said that in the late war the French not only suffered from the want of maps with which their opponents were so well supplied, but that even when they got maps, there were from want of practice few who could make full use of them.

Then, again, there is what is called the 'graphic method,' which is coming largely into use in many recondite questions for the clear expression of numbers and quantities. I demur to the *quasi*-scientific fallacy into which some of its ardent admirers seem to fall, that this method is any safeguard against inaccuracy; but as its name implies, it certainly *visualises* certain groups of facts, in a very clear and simple manner, which appeals directly to the senses which first respond to the promptings of the teacher. Many a child can in this manner be brought to see very literally and to realise very fully the primary truths of arithmetic, to whom the multiplication table is nothing more than the arbitrary rule of the master, and square and cube measure a yet more inscrutable dictum of tyranny. Why should 7 times 9 be 63 rather than 36? That there should be 12 inches in a foot is tolerable, but by what principle of reason has a square foot 144, and the cubic foot rush into the diabolical extravagance of 1728? A foot square board divided into 144 square inches will demonstrate by actual sight the whole multiplication table up to 12 times 12, and the squares of all the numbers up to 12 with equal clearness, and the most simple mechanical contrivances will bring the cubes also within the reign of visible law. A child can be brought to *know* that it is so because he *sees* that it is so. The mind of an infant should not be overtaxed to realise the perception of too many numbers at once, or with the names of those numbers; but the *nature* of the processes of simple arithmetic can be made apparent with very few units, whether of

forms or of figures, and when that is apprehended once for all, the child will at least know what he is about, even when baffled with the technical difficulties which will meet him when he comes to deal with higher numbers. Fractions in a similar way can be *visualised* and demonstrated. Professor Henrici, in his address at Southport in 1883 to the mathematical and physical section of the British Association, refers to the geometrical method as 'intuition by inspection,' and shows how widely the application of it should be extended; and thus indirectly bears testimony to the value of that early training by which perceptions become intuitive. He tells us also that Professor Clifford had it in his mind to write a geometry for the nursery and the kindergarten. High authority is not wanting for the early introduction of this method into our schools.

In this context may be most truly quoted the old maxim which has been applied to a widely different subject.[1] Words addressed to the ear affect the mind more feebly than those things which are presented to the eye, and which each one who sees must apprehend for himself. This method, if less formally didactic, is better fitted to call forth those faculties to which all teaching must appeal. True it is that the eye may *see*, yet not *perceive*; neither by this nor any other method can pregnant perceptions be formed unless the powers of the mind are drawn forth. But let the child's mind be once awakened, the conception once clearly formed, the knowledge acquired rests upon a conviction which is emphatically his own; the possession of knowledge so acquired becomes a part of his very self.

This, I am aware, is not *art*—at least, not art in the sense in which the term is used in this section. But the first stages of training are essentially the same for all, and are applicable to an age when specialisation of the natural faculties is altogether premature. It is impossible to fix the period when distinctively art training should begin, and all other training be regarded as subordinate to it; and for thus carrying on special culture we must look to special schools practically connected by their organisation with the school system common to the country generally. How far this connection can be made good by such aids as scholarships and exhibitions is a question into which I cannot here enter; this much only will I say, that while money is in some

[1] Segniùs irritant animos demissa per aurem
Quàm quæ sunt oculis subjecta fidelibus, et quæ
Ipse sibi tradit spectator.—*De Arte Poeticâ*, 180.

measure a necessary element, true culture will never be advanced by a lavish, indiscriminate, and untested expenditure.

The more thoroughly elementary education is carried out —and I repeat I do not limit this term by any social distinction—the more trustworthy will be the grounds on which in due time a selection should be made. With many the general advantages to which I have already adverted will be all that can be derived from this method of training; they will at least be more observant and more handy, and some will find suitable employment in the more mechanical and technical forms of drawing. In this range of industry the defect is not that the education of our ordinary schools is too high in its literary aims, but that there is too little application of it to technical and practical purposes. It is not that we have too many qualified clerks—on the contrary, clerks who can do their work really well are by no means easy to find; but we have too few who have, superadded to this, the training necessary to make good artisans and mechanics. The qualification, or rather want of qualification, which makes the appeal of many for situations in offices almost an appeal *ad misericordiam* is not that they have any special capacity for clerkly work, but that they have *not* that which would enable them to become good handicraftsmen.

This applies equally to employments which are of a more distinctly artistic character, going through those grades of such work where little more is required than a faithful reproduction of forms already created by the higher efforts of genius; through those where some original power is put forth, which gives a variety, a life, and an individuality to the work of the artist craftsmen, up to those which rank supreme in the hierarchy of Art. For all alike some basis of education, 'liberal' in its conception, though varying in degree, is equally essential. The method advocated, tending as it does to develop those faculties of observation which are applicable to all pursuits of life—appealing directly as it does to senses which have been far too much neglected in scholastic systems—is entitled to rank high as a method of instruction; it remains with the teacher to make it also a means of true education.

There are abundant indications that a course of training which will at all events tend to bring the population into some familiar contact with art will meet with an ample response. The extent to which flowers are tended and valued in the very poorest quarters of our towns is one

gratifying proof, among many, that the love of beauty is not wanting even under the most discouraging conditions. And though art may be followed as a profession or as a trade by few, those who do adopt it will be more thoroughly trained for their vocation. Though prudential considerations must determine the choice of many, and some will be deterred by their very appreciation of a higher standard from attempts which fall short of their ideal, yet still, the intellectual pleasure which some knowledge of art affords will not be so straitly limited; it will spread in ever-widening circles till its beneficent influence is felt throughout the whole community.

It is good work to bring the highest productions of art within the reach of all; to familiarise them with forms of beauty and of grace, which add a charm to life, while in no way detracting from its strength. Better still will it be when the true artist will move among his fellows, drawing from them an insight into the tangled webs of life, so full of poetry to those who can read them aright, and rendering back from his loom those forms of harmonious order typifying and foreshadowing the great good which shall prevail when the ages of strife shall have passed away.

It is here, and with the world of the present day, with all its unlovely features, that our work is to be done. There is many a one who will tell us that 'but for those vile guns he would himself have been a soldier,' and who is, in truth, ready enough to meet any difficulties except those which obstruct the path before us. The closer the contact which art can gain with the life around us, the greater will be the beneficent influence it will exercise, not in forced and unnatural opposition to 'utility,' but by rescuing the common affairs of life from the sordid associations which render them servile. It is for art to invest toil with a new sense of dignity and of pleasure, and to open up for the joy of all the unbought treasures of nature.

On the Same.

By Charles G. Leland, of Philadelphia, U.S.A.

In considering the question 'Ought elementary instruction in drawing to be made an essential part of the national education?' we are at once brought face to face with another query: Is drawing certain to be of great practical use to all who learn it? and, further: Are all children actually capable of mastering an art which the vast

majority of even the best educated men still believe requires a special natural gift, without which time is wasted in attempting to acquire it? Having spent the best part of the past fifteen years in practical endeavours to find out what branches of industrial art can be taught to children under fourteen or fifteen years of age without interfering with their ordinary school studies, and having ascertained that these questions as regards drawing formed the real basis of the whole system which I ultimately adopted, I feel confident that a brief recapitulation of my experiences will be the best answer to them.

When I, many years ago, began to seriously study the problem whether mere children could be taught to make a living, or to prepare themselves to begin to do so practically, I was at the outset struck with the fact that it was quite impossible as regarded what may be called the *hard* trades. Boys, and much more girls, before the muscles and brain are fully developed, can only learn real carpenter's work, printing, shoe-making, or smithing, as they are made to work in factories; that is to say, by suffering so much that in the latter case the law has humanely forbidden it. Of old boys were taken at not more than fourteen to be bound 'prentice for seven years at any calling, and the best technical schools do not care to take pupils under that age. But almost simultaneously with my conviction of this I found that all the minor or decorative arts were, strangely enough, easy for children of even tender years. I found that in South Germany and the Tyrol infants of six years of age carved wood so well that their work had a market value. In Spain art-pottery of a very high standard was made by very young boys and girls, and in Italy the same small artists did as well in mosaic-setting, fancy basket-making, and other arts. I finally observed that in Egypt the young of both sexes executed embroidery, inlaying, *repoussé*, and even jewellery, with a degree of skill which in Europe no one expects save from grown-up and highly trained artists. It was, in fact, first in Miss Whately's school in Cairo, on seeing two little girls executing each one side of the same piece of elegant embroidery, actually without any pattern before them, that I fully realised of what children are capable.

I had intended to carry out at first in England, and practically, the principle that all school children can be taught industrial arts. At my suggestion Mrs. Jebb, of Ellesmere, did indeed attempt it with great success in village schools,

and I am glad to know that the Cottage Arts Association is extending rapidly, both in England and Ireland. Being obliged to return to America, I laid my plan before the School Board of Philadelphia. These gentlemen most generously at once gave me a liberal appropriation, a fine suite of large, well-lighted rooms, and authorised me to select from the 115,000 children in the public schools as many pupils as I wanted for my experiment. I had two classes of one hundred pupils in each, one attending on Tuesday afternoons, the other on Thursdays. The industrial branches actually taught with full success were embroidery, painting (chiefly in monochrome, in water-colour and oil), setting mosaics, modelling in clay with colour and glaze for firing, stamped sheet leather work for furniture, sheet metal work or *repoussé*, wood-carving, and easy carpenter and cabinet-making work, with turning, fret-sawing, and inlaying.

I had not more than well begun this experiment, in which I was aided by competent teachers in every branch, ere I realised that it was not only necessary that every one of my pupils must first of all learn how to draw, but that it was a matter of absolute importance to decide what kind of drawing this should be. Everybody is at present talking about the necessity of teaching drawing, but very few have definite ideas as to what drawing we should begin with. Not long ago a correspondent wrote to an art journal asking what system of drawing was the best for a beginner. At once half a dozen experts rushed into print to answer the question. 'There can be no doubt,' said the first, 'that the proper way to begin is by mastering bold lights and shadows, by means of crayon. When some idea of effect is acquired, the pupil may proceed to copying objects, drawing from the antique and perspective.' Lights and shadows, picturesque chiaro-oscuro and the antique would have been of little use to my small children, wanting to design patterns for embroidery and wood panels, leather, and metal work. This was wanted, and with it a system of drawing which might also serve as a correct beginning for every other kind of art. The result of my study was this: If a child be set at a single branch of industrial art-work, it learns with some difficulty in a narrow-minded, limited way, that one art. But if he or she begin by learning design and drawing simultaneously, and gets so far as to be able to execute a correct pattern fit to be put in hand to work out, that child can, after a little manual practice, master all decorative arts whatever, with greater ease and in a time which would seem incredibly short

to any one who had not seen this fully tested—as I have done in hundreds of cases. Suppose that a boy or girl has learned to design at will and readily a good outline pattern. This can invariably be done in from thirty to fifty lessons. The next step would be to learn an art; embroidery, modelling, or carving, alternating the drawing lessons with the industrial work. The practice of this, the seeing of other children busy at similar branches, and the being allowed to take a hand at or try any of them had the invariable result that the pupil soon acquired the ability to skilfully practise all the arts taught in the school, and indeed all others of the same kind. I have spoken of a limited number of arts —in reality there are a hundred, perhaps hundreds—which can be learned at will and at sight by any child who has mastered simple outline design and its practical application to two or three. And the result of hundreds of experiments, with unwearied study of the character and capacity of every child, convinced me that all are capable of learning original design, if it be properly taught, and that the realisation or application of this, in the arts, is still easier. The result of all this in all cases is an increased quickness of intellectual perception, or intelligence, so that literary studies are also more easily mastered. Without informing me, the School Board Committee wrote to all the teachers in the city who had sent pupils to the Industrial Art School to know what the result had been. The unanimous reply was that the art classes, far from interfering with the regular studies, greatly aided them. For the pupils who followed the former were so eager for the privilege that in order to obtain it they maintained a higher grade than the rest in grammar, arithmetic, geography, &c. It was also declared that they manifested improved intellectual powers, and beyond all doubt developed a greatly improved quickness of perception and attention. Something of the latter was, however, due to my constant personal efforts to stimulate and awaken it in them.

It was proved beyond question that of all the children who had fully availed themselves of the school, there was not one who did not in consequence of it easily obtain a paid situation, if so disposed, at any time. As regards this a surprise awaited me. I found that not only were the pupils, when merely half taught, eagerly taken into foundries, carpet-factories, &c., as paid learners, but that even of those who went into shops, for instance as sellers and buyers of figured calicoes, silks, and similar fabrics, the one who knows something of design and can in consequence judge of patterns,

invariably takes the lead. It may be that some of this is due to mere confidence or to a sense of culture which the others have not, but it is certain that in nineteen out of twenty practical callings a knowledge of art based on sound principles is sure to be of great value to its possessor.

I regret that I have not time to give my reasons why not only artizans or mechanics can profit by knowing how to design, and to apply it, but how even farm-labourers, colliers, sailors, and all working-men can be aided by it. With regard to them, other principles or elements must be introduced with drawing in their education. Of these, I will briefly say that they consist in awakening the youthful mind to a sense that *all* occupations have a cultured side—in exciting an interest in and a respect for them, and finally by awakening attention and quickness of perception by a peculiar training of which drawing is a part. To return to the industrial art education. I have known a manufacturer, after carefully examining the drawing-books of a class of sixty and seventy pupils, to declare that if he could have them he would take forty of them at once as paid learners, and on other occasions manufacturers have applied to me for employés. In every instance they said: We have been to other art schools, and could find nothing but children who have been taught with a view to making pictures. What we want are pupils trained to patterns.

I think that one has said enough to prove that drawing ought to be an essential part of the National Education, when it has been proved by experiment that it is essential to the practice of all arts, or that all hand-arts are only drawing developed in different forms. I have most certainly ascertained, by very careful personal experiment, that children who learned to draw, and to develop it at the same time in hand-work, excelled in consequence in other studies. This is again a good reason why drawing should be taught in every school. What now remains for me to explain is the system of drawing adopted after finding that the ordinary methods employed solely with a view to picture-making were inapplicable. I began by teaching what is technically known as 'the vine,' and for from twenty or forty lessons little else was studied beyond its developments and combinations. The pupils were taught that drawing should begin not with straight lines but curves, and that an absolutely beautiful construction line can always be secured when we take a spiral or volute and evolve from it at any points tangential curves, or outer and inner branches,

forming with the trunk what the children called V's or A's. The same principle holds good when we make the branch proceed from a circle, or in fact from any segment of a circle or curve, so that a proper balance be observed. The next step is to double the lines, and to make this reduplication gradually diminish in the proportion of a waterlily's stem, and finally to ornament it and the branches, the ornamenting consisting of the addition of crockets and finials. In almost all cases the pupil was taught, after the first lesson, to *design*, and not to merely copy. When the pupil had never before attempted to draw, he was made to begin by taking a pattern cut out of thin sheet brass, and was shown how to draw round it, and repeat it in different positions so as to make a wreath. This taught him design, and familiarised him with the use of the pencil. The next step was to learn how to form a few conventional ornaments, or how to vary them, how to change a small circle to a leaf or flower, and how to interlace stems or bands, all in accordance with the law of organic or vegetable development. Then he was shown how to draw with the compasses several circles balancing in number or intersecting, how to convert them into a continued vine, and then to ornament it. When we realise that four-fifths of the best decorative art in the world do not go beyond the vine, it will be seen that there was room within these instructions for much good design. Discords may delight advanced æsthetes—it is very certain that no truly great race has ever succeeded in producing them.

Free use of the right hand and resting on the body, or the left arm instead of the right, were also insisted on. The use of compasses, rules, and curves was not only allowed, it was insisted on, as training the eyes to accuracy. Strangely enough, the pupils were all prone to lay aside these aids, which are usually forbidden, in favour of freehand drawing, as soon as they had acquired a little proficiency in the latter.

It will naturally result from all this, should it be accepted, that drawing, as generally taught, on the picture-making plan, is a mere accomplishment, not worth the extraordinary expenditure of time and money which it has occasioned. Outline decorative design has this advantage, that as it, in the shortest time, familiarises the pupil with every possible curve, and the art of constructing patterns, it forms a beginning from which the child can go on to either artistic or technological drawing. Yet I freely admit that

it would be barely worth while to teach drawing on this or any other system unless the pupil is at the same time to develop it by working at one or more minor arts. It is twice as well worth teaching design as mere copying, because the learner takes pride and interest in producing an original work, but this is far more than redoubled when a boy works his own design out in wood, clay, or metal. He can then be qualified in a few weeks to become either a pupil at a real technical school, or to be taken as preferred apprentice in a great variety of trades.

I shall here be confronted with a question with which I am very familiar. It is: 'How can you at little extra expense introduce not only design, but arts into every village school in the country? Who will be the teachers?' To answer this, and to show how it could be done, I wrote, at the request of General John Eaton, Commissioner of Education in the Bureau of the United States, a pamphlet entitled 'Industrial Art in Schools,' which was published as Circular No. 4, 1882. It is usual to issue only 14,000 of these circulars, but if there is a demand for more it is supplied. I have recently learned that 60,000 of this one have been given away. The result has been, as I am informed by letters, the introduction of drawing and its application to art in hundreds of schools and families. Should any of those present desire copies of it for themselves and friends, they can obtain them gratis by addressing a request to that effect to General Eaton.

As to make drawing of any practical value, the pupil should be taught to design from the beginning, so, according to the same principle, he or she would be made to design with *an object*. That is to say, the learner should be told to design a vase, a frame, a fan, a book-cover, a pair of bellows, a cabinet, or chair, but always something definite, and not fritter away time on abstract arabesques with no immediate aim. There are certain definite practical rules, well known in workshops—very little known in many schools of art—for the designing a great number of such objects, and for the application of ornaments to them. Very recently, in examining two girls of twenty who had been studying all the time for two years in a school of design, I found that neither of them had any definite idea whatever of organic development in art-patterns, nor did they know the rules of proportion for spacing vases, bellows, title-pages, or the simplest articles of furniture. Yet they had studied hard at the first school of design applied to many arts in a city of nearly a million

inhabitants. Half of my child pupils could have taught them this.

As there are still a few people who doubt the capacity of all children to learn to draw, I would declare that much examination has convinced me that there are ten persons who can learn to draw well where there is one who can write a really good hand. By a good hand I mean nothing more than a perfectly legible one. Among all my pupils, I never had but one whom I thought was incapable of learning to design, or to work well at any art. I told him several times to leave the school, and never show his face there again, but at every lesson that small, round, stolid face re-appeared, till, amused by his perseverance, I allowed him to remain. He not only learned to design well, he took a higher grade in his other school studies, he became a proficient in modelling in clay, in wood-carving, and in sheet metal work. The last thing I did on leaving the school was to pay him 2*l.* 4*s.* for a piece of metal work which he had executed to order, during his leisure hours, in little more than one week, attending all the time to his regular lessons. This boy is only fourteen years of age, and he was the only one I ever knew whom I regarded as naturally unable to draw.

The question whether design-drawing and its application to several minor arts can be introduced to small minor schools has been definitely solved in England by the Cottage Arts Association, at whose head stand the names of Lord and Lady Plunkett, the Archbishop of Dublin, the Countess of Kenmare, and a score of others, well known to all present. This association has now under way several scores of such schools, but this is only a mere preparation, there being a certainty that the number will during the coming year be greatly increased. The teaching is easy for any intelligent woman, who having learned design avails herself of handbooks of art. When advanced teaching becomes necessary, it can be given by experts who will go from school to school. This method was practically carried out in America. All of my assistant teachers gave lessons in several institutions, such as the House of Refuge, the great reformatory school of our city, the Ladies' Art Club, and the Insane Asylum. This method has been urged here in England by Mr. Alfred Harris.

The result of all this is that drawing means something more than making lines on paper—it should also include the working out the drawing in some other material. Unless this is done it will in most cases be forgotten on leaving

school. Carving is only drawing in wood, with chisels and gouges; modelling is making designs in clay. Our teacher of carving kept the boys and girls so busy at modelling in clay and drawing that they came to regard it all as one work; the teacher of *repoussé* kept saying, 'Well, go and draw it!' till the children regarded tracing and bordering as drawing, and matting as shading. And all of this was no harder, and it was much more agreeable, than the paltry picture-making such as prevailed in all schools when I was a boy, and which writers in several English publications have recently declared still prevails in England.

It is certainly true that there are far more thorough and scientific systems of design, based on geometry, and involving, for instance, the conventionalising of flowers, the rules of perspective, &c., than that which I have described. But these are for elder pupils who have time. For a child of from eight to fourteen, who can give only one afternoon or evening in the week to drawing and its applications, these advanced methods are impossible. For young pupils we must resort as closely as possible to the training and methods of the workshop, to the rule of thumb, or to learning as much as possible in a little time. This need not prevent the pupils from acquiring a knowledge of Gothic or Celtic art, and I found, with some amazement, that my scholars all manifested a greater capacity for flowing Moorish designs than any other. Some of these, executed in stamped leather, were strikingly correct and elegant. Two girls of fourteen did this with great skill, the most remarkable feature being their entire unconsciousness of its excellence.

I am quite aware that I owe an apology for speaking so much of my own labours, and of my own school; but, being only a collector of material, or a worker, and not a clever critic or observer of the work of others, I may be pardoned for speaking only of what I know. What we all want is to evolve the truth. It is a truth that all over Europe and America there is a rapidly growing, deeply seated conviction that industrial art, manual labour, or the exercise of the constructive faculties should have a part in even elementary education. To do this, drawing must be taught. But the real question is: 'What kind of drawing?' To this I have replied: 'That which lies at the root of all design whatever, that which man always follows when, getting beyond the inorganic or crystallisation stage of straight lines and angles, he attains to organic or living curves.' These in their simplicity at first, and then in their subse-

quent complexity, are easily mastered by mere children. I will illustrate this by an incident or anecdote. I had in my school two little girls, both eleven years of age, both named Gertrude: both sat together apart from the rest, and both developed a similar cleverness in design. One day a professional artist, astonished at the excellence of a pattern which Gertrude No. 2 had executed, intimated that she must have repeated some motive at second-hand. To convince him that the child worked according to principles, I told her to take the compasses and improvise a design, which she did without the least consciousness of doing anything remarkable. When a child can make a good design without knowing it, one may hope for almost anything. Such drawing is, possibly and probably, the kind for children between the kindergarten and the technical school, or the art school proper. I say this because in England the real question is no longer as to whether drawing shall be introduced to every school, but as to what kind of drawing is best adapted to pupils of different ages, those in the common schools below the age of fourteen being in the vast majority. If I have contributed in the least to solve this problem, I shall feel that the years devoted to it have been well spent.

On the Same.

By Miss S. Sophia Beale.[1]

(Abstract.)

MISS SOPHIA BEALE, in a paper on Art Education in Schools, points out that drawing has made little advance in ordinary schools of late years. Girls are still taught to paint before they can draw, and are allowed to fritter away their time in pencil drawings of ruins, &c., as of old; or 'chalk' heads: or porcelain, faïence, lustra, tapestry, and crystoleum painting, and other newfangled nonsense.

There is no exaggeration in this statement. Art schools have done much for professional workers, but the amateur is as ignorant as ever. Art is a great deal talked about, but is little practised except in spoiling good house paint by so-called decorations. Nor is sufficient time given to drawing at schools. Music, being a showy accomplishment, has two hours a day spent on it—drawing only two hours a week: but the result is much the same. The one makes

[1] This Paper has been published in extenso by the author.

a girl a nuisance to all within hearing; the other enables her to sketch in a weak manner without any perspective. If girls choose to play and sketch for their own amusement only, no harm is done; but the results should not be shown to others, nor should school days thus be wasted.

General education being intended to make children intelligent human beings, art education should likewise make them cultivated persons. A storage of facts only is not education. An art education should before all things cultivate and improve the taste, so as to make persons appreciate what is noble and good in art. This is done more in France than in England. Museums and Exhibitions being open free on Sundays, the people are more educated in their tastes, and consequently the remarks of a French *ouvrier* would put to shame many an English graduate. Cultivation of taste may seem a hopeless matter, judging from the want of it in all classes in this country, particularly amongst the poor, who wear the cast-off and dirty finery of the rich; but much might be done by judicious education.

If drawing were better taught this would not be. All children should learn it, as it is the only way to teach observation. But they should be made to draw common objects from nature, not senseless uninteresting curves. It is a good plan for the teacher to draw the object first on a blackboard (letting the class all do the same thing), and afterwards from the real object. This makes the lesson more interesting to the young. Squareness of drawing should be insisted on, and broad shadows. If pupils of 16 and upwards work for three hours three days a week, much good work can be done.

Schoolrooms should have photographs, prints, copies, casts, &c., of good works, upon the walls, to educate the eye at odd times; and the art teacher should lecture from time to time upon them, pointing out merits and demerits. Elementary perspective and the rudiments of architecture should also be taught.

As to mediums, *papier Ingres*, charcoal, and stumps are the best. No niggling should be allowed; the stump will do in half the time what can be done with the point; and six studies with light and shade carefully but broadly put in must be of more value than one finished up with the point. Criticisms of public buildings and all artistic work should also form part of art education. So, also, the various methods of painting, sculpture, engraving, &c.

Stability of purpose is much wanted in England. French

girls work more steadily, even those 'in Society.' Here they work one month, and then fritter away two or more. Real work in drawing should be done in school days, otherwise it becomes to older girls slavery. Scales and exercises are insisted on; why not serious drawing? Men and women amateurs are not wanted to be artists, but intelligent connoisseurs. This is what art education ought to do, and were it made a part of general education, instead of an 'extra,' it would do so, as teachers then would be independent, and schoolmistresses would not be obliged to send home 'pretty pictures' daubs in water and oil colours, and wretched 'chalk' heads all out of drawing, in order to please parents and make them think they have their money's worth.

DISCUSSION.

Mr. F. J. Wilson (Leamington) regarded the teaching of drawing as of secondary consequence to the teaching of colour. The pencil did not give the same aid to artistic taste as the brush, for the eye was more guarded by colour than by form, and, moreover, people always took a delight in colour. He believed that the development of artistic ideas in the minds of the people had been mainly hindered in the past by the notion that it was contrary to the second Commandment to teach people to draw. He hoped the Association would dissipate any lingering shred there might be of that belief. But as to teaching colour, it was the medium between external nature and internal thought, and what they had to do was to interstand that in the minds of the people, as well as make them understand it, and then the problem would be solved.

Dr. Heinemann (London) said that, as a foreigner resident in this country, it seemed to him to be a disgrace that in the year 1884 the Social Science Congress should be called upon to insist that elementary instruction in drawing should form a part of the national education. On the Continent in Germany, for instance—drawing was taught in every school, and to the poorest of the children. He maintained that the capacity of the English people for art was just as great as that of the people on the Continent, and he believed that, if drawing were once made an essential part of the school curriculum, it would have a material effect on the mental progress which was made by the children. The only question to his mind was whether it could be done with all the over pressure which now existed in other matters. He believed it could. In Germany one or two hours a week was found to be sufficient, and so far from retarding other studies or overtaxing the scholars, it was found to assist them.

Mr. E. R. Taylor (Birmingham) expressed his interest in Mr. Seddon's paper, and his agreement in the main with its contents. He thought, in regard to the teaching in public elementary schools, it was now universally realised that compulsory education had much to answer for, and that it was necessarily against the early acquirement of a tech-

nical handicraft. Until it was established, boys and girls at eight or nine years of age began to learn a handicraft, but now they were compelled to be at school and learn that which, though it might be just as good for them, still left them ignorant of the handicraft, and lacking altogether any training of the hand or eye. The remedy for this was to be found in a more systematic teaching of drawing, as an essential part of school-work. The influence of the Science and Art Department had been extended rather to the *encouragement* of instruction in drawing, instead of insisting on its being rightly taught. There was now no system whatever in most of our elementary schools, but a mere one of indiscriminate copying. He would begin in the infant school as soon as the child could hold the pencil, and he would train the child to the knowledge of common forms by means of templets, and in the next stage he would do away with this means of training the hand, substituting for it freehand copies, and so gradually developing the system. The great point to be kept in mind was the necessity for interesting the child, as was not always the case in the Kindergarten system; the lessons should be made a pleasure and not a task, for in proportion as the work could be made interesting to the learner, so would the work as education be valuable. He would also in the later stages teach those branches of drawing which would have a technical value. He would early teach solid geometry, for he had noticed in many handicrafts—those engaged in machine construction, buildings, and he would say even among architects—a great weakness arising from this want of knowledge. In reference to what had been said about the Science and Art Department, he confessed, in regard to the teaching of freehand, that there had been too indiscriminate allowing to learn from copies, as distinct from teaching; but with reference to the elaborate and highly finished drawings in the advanced stages which were exhibited, he should like to point out that for every one of these there were hundreds of clear outline sketches, studies, and designs, which were never exhibited at all. The outline was first considered, and, indeed, the form was always the primary consideration.

Mr. T. C. Horsfall (Manchester) would speak only of the desirableness of extending the work of teaching drawing in evening schools. Almost everyone who had seen much of the life in our large towns would know that attractive and effective evening schools were one of the most pressing wants of the day. The Board School system had almost defeated itself in one way, in that it had, through its good teaching, been enabled to turn out some of the brightest children at twelve years of age, who in the course of a year or two had forgotten almost everything that they had learned, and at fourteen were more ignorant than duller and more slowly taught children. He believed there was a growing opinion that in time they would have to adopt compulsory attendance in evening schools up to the age of fifteen or sixteen. He had some experience last winter of the desire for drawing lessons in night schools. He took a number of lads employed by his firm, and having induced them to attend school after their work was done, explained to them the nature of the various subjects which were taught, and he was surprised to find that out of twenty-five, twenty said they

should like to learn freehand drawing. Evening schools must be made attractive, for even if they had compulsion it would be difficult to keep the young people to their work unless they were interested in it. Drawing, music, and altogether a brighter kind of education must be given to make these schools pleasant to the pupils. Mr. Seddon had made a valuable suggestion when he urged the teaching of colour as well as drawing. Children took great pleasure in the use of colour, even when they would not care much about the use of a pencil. Mr. Ablitt, one of the officials of the London School Board, had adopted a plan of using colour from the earliest stages of instruction in drawing, which was very nearly akin to the system adopted by the Japanese, for though the Japanese was done with the brush, still it was used as a pencil. Mr. Ablitt's system was an elaborate one, but it was worth studying. The usual objection of teachers to the use of colour, that the children made a mess with it, was not one which should be allowed to stand in the way.

Mr. P. H. Rathbone (Hon. Sec. of the Department) said what was wanted in the present day was directness of application. Thousands and thousands of indifferent plastiques were being produced by the present development of water-colour drawing, which, while very pleasing, were of no sort of practical value. It was the case everywhere; instead of applying art to the production of something useful, simple, and good, they had, south of the Thames, everything of the same sort, and, in the north, representations of Bettws-y-Coed. This was one of the faults of the extreme development of water-colour painting, but it formed an argument in favour of instruction in drawing. It was a distinct advantage to know drawing—indeed, drawing was the one branch of art which could be taught. No person could be made an artist by learning colour, but every person could be taught to draw. What was wanted was to teach drawing in early life—to train the hand and the eye—leaving the instinct of colour to develop itself. In this he differed from Mr. Horsfall. He did not remember any successful specimens of Japanese art which combined both colour and form. There was a certain amount of perspective in their work which seemed to vanish directly they took to colour. He thought it could not be too strongly impressed that they had first of all to teach drawing, and to leave colour and those things to take care of themselves; and, secondly, they had to induce artists to abstain from so systematically following their leader, and to show that they could sometimes think for themselves.

Mr. Rowland Hamilton, in replying on the discussion, expressed his surprise and gratification at the unanimity with which they had arrived at similar results, notwithstanding the very different sides from which the subject had been approached. He believed that the teaching of drawing was one of the best possible remedies for the 'over-pressure' which had been so much discussed with reference to our schools. They would, however, he feared, have a long struggle before they could see it generally adopted in them, for they must remember that, as things were, a great many teachers, both in elementary schools and also in secondary and higher schools, had not only never had any

training in art, but had never been called upon to consider the advantages of such training as a means of education. They must not expect to carry on a campaign of this kind without some opposition, but they must not despise small successes.

The President of the Department (Mr. Beresford-Hope, M.P.) said the papers and the discussion had a peculiar interest both from their unanimity and their originality, and this remark applied with especial force to the paper of Mr. Leland, which, though it came from one whose great fame had not been won in the field of art, had yet shown them such wonderful results from his teaching. If his statements had not come to them at first hand, some present might well have doubted the estimate of his success. Such a success as that in art education among those who were to be regarded as our own flesh and blood, who spoke the same language as we did, and who had the same aspirations, was worth a whole wilderness of theory. Miss Beale's paper was clever and amusing, though it did not open any new line of argument. They could but have noticed the remarkably different methods in which Mr. Seddon and Mr. Hamilton respectively approached the subject—how the former, starting from no *à priori* conclusions, worked out the practical results of his plan; and how the latter, though strictly logical, had started from premises almost too plausible, but who had proved his view of the case. Those persons who, from benevolent motives, or worse, went into art schools, and were appalled by the series of models and the everlasting busts, would be glad to hear what they had heard that day. The discussion had really been a vigorous protest in favour of common sense, and of the appreciation of human nature in art studies.

Mr. Seddon said he was gratified to find that so few objections had been taken to the proposition which he had laid down. He took the view he did with some trepidation, but he was thankful to find that the arguments he used had so much commended themselves to those who had heard them. With reference to what had been said by Mr. Wilson and Mr. Horsfall, he still thought that drawing from line should be first brought forward, while as to the remarks about Japanese art, Mr. Horsfall was right in saying that the Japanese used rather the brush than the pencil, but still their work was in line. The first thing to be aimed at was definite and correct drawing. He only hoped that one result of the discussion would be that art teaching would be carried out in the manner which experience best suggested. With reference to the remarks of Mr. Taylor in reply to his strictures on South Kensington, he was aware that in many intelligent centres the system spoken of by him had been adopted.

CLASS INSTRUCTION IN MUSIC.

What is the Value of Class Instruction in Music to the Ear, the Mind, the Health, and the Disposition of the Young? By Lady MACFARREN.

IN attempting to reply to the question put by the Council of the Association, the aim of the following remarks will be to make that reply with reference to musical training at the Board or Denominational Schools, which are subject to Government inspection, and rather to suggest what part this training might play in the national education, than what it can possibly be under present conditions, so long as only a slight test or standard is required of teachers' musical qualifications. As yet the movement for giving musical instruction to the people may be said to be tentative rather than solid; this it cannot be until the standard notation is adopted for all, gentle and simple alike, and the entire musical repertory made accessible to everyone, until indeed the teaching be both practical and intellectual. To teach this branch of art to the people worthily, it will not be enough to show them how to sing notes correctly in a rough-hewn way; this study can be made to represent to them sound with its inflections, music, language, and poetry, in fact show them how to rise to those 'higher levels' which all who possess a certain culture by inheritance have ready access to in literature and the arts.

Where only the mechanical side of music has been taught, its influence is barren on the mind; it is quite possible to participate in musical performances through a life and yet remain curiously imperceptive that it contains anything besides so many notes in tune and in time.

It is much that in our people's schools even the crudest beginning should have been made; but whilst everyone in authority would admit that only the best known books are good enough to be read by our countless brothers and sisters whose lives must be spent in toil, and whose margin of leisure must be scant, the claim of music to a like elevation has yet to be recognised; but a beginning having been made, the highest may be hoped and striven for in these days of rapid progress, for the best music and the means of interpreting it in the best way only is fitting for the young, that is to say, for the future of the country.

Every domain of mental activity, except music, rests on

the observation of known phenomena. In music alone man has fashioned for himself a medium, which, in its highest development, gives utterance to the hidden movements of his spirit.

The first step towards this development is the perception of the diatonic scale in its recurring octaves; it is what the perception of lines may be to the eye. This group of two scales of a fourth, bounded by a key note, when thoroughly perceived, already suggests the germs of harmony through the fifths above and below that key note, and also the enchainment of each key to every other, thus forming the solidarity of sounds ranged in order, in which musical thought moves and has its being.

The difficulty of distinguishing intervals, except in organisations with a distinct musical bias, is very considerable, and to sound them, with the uncertain timbre of young voices, especially so. Here class practice is invaluable; the slower apprehensions are encouraged by the brighter ones, and each spark of intelligence that is manifested becomes common to all. The first grade of the competent chorister is attained when he can recognise the relations to each other of the twelve semitones contained within the octave, when he can understand all the intervals formed by any two of these and their inversions, and when he can intone them when seen written. From this will follow the faculty of *mentally* hearing any interval or succession of notes when read, and that of writing them when thought, and thus arises in musical natures the valuable sense of pitch, enabling the ear to realise the exact sound of a written note or identifying it when heard singly or in combination, by which the ear can tread the seemingly labyrinthine mazes of musical sound consciously and firmly.

The second question for consideration is the value of class instruction on the mind. When once what we may call musical orthography has been mastered and a secure footing gained in the world of sound, the faculties called into play are no longer special to music, observation and feeling are also involved. The division and subdivision of minute portions of time suggest to the most ordinary intelligence the importance of exactness, to the more thoughtful the beauty of order, and where any power of analogy exists, almost unconsciously, those compelling laws which govern the diversity of detail. Rhythm is added to time and gives the pulse of life, grouping into connected phrases series of sounds of greater and shorter length, to the ends of joy and sympathy.

The sense of rhythm, when not innate, is easier to acquire by singers than by instrumentalists, since the words and their metrical arrangement give force to the strong musical beats. In spite, however, of the seeming obviousness of rhythm, by no means every nature is able to respond to it, and wherever this is the case class singing is an invaluable aid in its acquisition. From the mastering of one part, an objective sense is formed within the chorister's mind when he hears another melody, or several, added to the main song as undercurrents; his hearing expands and follows their simultaneous courses while he has to keep steadfast to his own, and a spirit of actuality and self-dependence is roused, scarce possible by other means.

Thus far the study of music would be the same for singer and instrumentalist; but the singer has beyond these the words, to inspire, to exhilarate, and give definite meaning to music. Words should in all cases correspond in phrase and accent with the music to which they are sung. It is a grievance that in the singing of hymns this fundamental principle of all rational song should be disregarded, the equality of all the syllables depriving both words and music of their living expression. In the ordinary chanting, on the other hand, the words are often hurried over with such unseemly haste that neither singers nor hearers can by any possibility realise what is said and sung, the final cadence of each verse failing to give dignity where the content has been missed. These two extreme points of music, treated conventionally, cannot be said to come within the range of musical art. Indeed, except in the responses, which are set according to the words, music, in the ordinary church service as heard by the people, appears rather in the character of a household drudge than in that of an inspiring angel. These remarks are offered only to suggest that such choir training as can act on the mind and disposition of the young will scarcely be effected on the platform of the church service.

It should be understood that song is measured speech, speech raised to music, but however idealised and prolonged, always speech, with the same alternations of strong and weak syllables and the same continuity of utterance as in colloquial discourse. And here the young singer will have to face the complexities of English pronunciation, in which there exists no fixed character for any vowel, and consequently the singer has to remember instead of to read the sound to be prolonged in his song. If choirs could be trained to define and sustain

the vowels with true sound, and trained also in the mechanism of the consonants, the almost national defect of slovenly utterance in the speech of even educated persons at the present day might insensibly be lessened or even extinguished. It would be a hopeful sign if we might look to the young for better things in this respect, now that the standard of intellectual equality has been unfurled, and the universal aim is to give even

> To trays and pans
> Gleam and glimmer of romance;

it would be a worthy striving to help the people who own the richest of literatures to speak their noble language, already so much flattened in sound and shorn of sonority, with more musical inflection than is now generally the case. Through the training of the musical sense alone is this possible.

Thirdly, we have to consider the value of class singing on the health of the young. The complete contrast between this and all other lessons gives to the study much the character of a relaxation. Instead of something remembered, often painfully remembered, because void of personal interest (the only interest known to the young), or something achieved by a silent process, irritating to their restlessness, here the child partakes of action; it hears, it adds its voice to the tide of sound, it is lifted out of its small personality, it feels.

But singing can be made to act on the health in a purely hygienic way, if breath, attitude, and the position of the mouth and larynx are properly understood. Whether this can be adequately effected by class-training it may be premature to say, but it might certainly form a branch of the physical training that is now being introduced in the schools of the people.

Also more care might be taken than is usually the case to arrange the songs or part-songs for the young so that they are not tempted to strain the chest notes into the compass of the medium register, so unpleasant in effect and injurious to the immature voice.

On the disposition of the young the value of a knowledge of music sufficient to enable them to interpret a voice part at sight can only be compared to that of reading. It awakens new thoughts and images, points to new possibilities, and expands the limited horizon of a single life into the collective life of the art past and present. Of the negative value of this pursuit in superseding others of questionable influence,

this is not the place to speak. To set forth its positive value in refining character, the refreshment to the spirit it affords by suspending the personal existence for a time and lifting it towards the ideal, and, above all, its beneficent power of linking together in social action many of one generation on grounds not personal but common to our humanity, quite transcend the present limits.

Modern life and education move more and more towards individualism; no cause or watchword has power to compel men to surrender their selfish wills and interests, and of this movement we are only on the threshold, since only now the boon of culture has been offered to the masses. Beyond the faith that each one lives by, there will be found no more powerful factor to bind mankind in a common sympathy than music; and of all the kinds of music, none has such penetrating force as the collective interpretation of noble thoughts, flowing through noble words into music that is felt to be representative of the unspoken aspirations of singers and hearers.

On the Same.

By William de Manby Sergison, Organist and Director of the Choir of St. Peter's, Eaton Square.

THE close relation of the ear to the mind, and the connection of the health with the disposition, suggests at first a division of this subject into two parts. Although they are so interwoven, and act and re-act upon each other, the best course appears to me to be to take the subjects in order, as they are put before us, and (without going too deeply into metaphysics) to consider the practical utility of 'Class Instruction in Music,' as a factor in the general education of young people, and its influence in after-life upon their mental, physical, and moral characters.

Any power that can be brought to bear upon the mind of youth for good or evil, claims the serious attention of the promoters of Social Science. But when it is ascertained to promote the well-being of the community, it rests with those who profess to have the interests of humanity at heart to make this power known, and plead its cause by every available means.

That the system of class instruction in music *is* a power for good, I have always understood to be tacitly admitted; but I doubt whether many parents look upon it as anything

more than a pleasant and harmless pastime. I have, therefore, to demonstrate that it is more—that it is indubitably a means of developing the highest qualities of our nature, and that the best results may be expected from, and are, in point of fact, the outcome of it.

By 'the young' we are to understand, I suppose, those under twenty-one years of age;—and by 'class instruction in music'? There are two kinds of music, vocal and instrumental, and yet how many people habitually speak of 'unaccompanied singing' as 'singing without music'! Let us, in starting, disabuse our minds of any confusion, and recollect that vocal has an equal right with instrumental instruction to be considered 'instruction in music.' Indeed, I am not sure how far the framers of the question upon which I have the honour of addressing you had the converse of that popular but thoughtless phrase in their minds. At all events, since vocalists are far more numerous than instrumentalists, vocal instruction must occupy a large share of our consideration.

To have any real 'value,' the effects of this class instruction must be permanent, and must powerfully influence the after-life of those who are instructed. It has been observed that music is the first thing in life which arrests the attention of the newborn babe. I am informed that it is a common thing for an infant to sing and hum to itself long before it can talk; that frequently music is the 'only charm' that can 'soothe the fractious child.' It is found to act as a spell upon raving lunatics.

Music is far more closely and mysteriously interwoven with our life, surroundings, and antecedents than is commonly supposed. Periodic, pulsatory vibration (identical with that which results in musical sound) is one of the laws of created life, as witnessed in the phenomena of light, colour, and sound.

What is 'Sight' but vibration? As Professor Macfarren remarked not long since, in a speech upon music (to quote his words as nearly as I can remember), 'the most beautiful forms and shapes that delight the eye in nature are the result of periodic vibration.'

There are (as we all know) some, who by their constitution are far more sensitive than others to this principle which is so closely connected with art; and in this way we may possibly to some extent account for the distinction between the artistic and inartistic world, roughly speaking.

Music and painting are sister-arts to poetry and sculp-

ture, but it is rare to find a combination of any two, fully developed, in any one great artist. As an example, the late Mr. Keble, in whose very being the sense of rhythm and flow of metrical verse were so deeply ingrained, and continually found expression to our benefit, was said to be almost, if not totally, devoid of the sense of music.

The possession (or the reverse) of what is called 'a good ear' manifests itself in very early childhood, and the natural aptitude for receiving instruction amongst children differs very greatly. There are some to whom instruction in music at any age would be perfectly futile, and to whom any remarks that may be made on the subject would *not* apply.

We have then only to consider the case of persons who as children show some susceptibility to musical sound.

It is partly with a hope of converting those among us who maintain a hostile attitude to music, who look upon it with dislike, contempt, and suspicion, and of convincing them of its real value to the young, that such a question as this is brought before a Social Science Congress. I can only wish the task had been put into abler and worthier hands. Since there are so many who have had far greater and wider experience of the subject, I cannot but feel great diffidence in handling it, but, as it has been entrusted to me, all I can attempt to do, is to speak of the impressions and convictions I have received as a choir-master of twenty years' standing, and to bring forward such information as I have been able to gather in the very short space of time that was allotted to me for the undertaking.

Although the musical powers of children may be almost dormant, 'class instruction' will sometimes arrest the attention, excite an interest, awaken the musical faculty, and will materially quicken the intelligence: so much so that, in process of time, the progress of intellectual development will be manifest under its influence.

This training of 'the ear' will give the child the power of recognising intervals, and associating them with staff notation, and will assist it in forming a correct judgment as to distance, size, measurement.

When the attention is drawn, and the ear accustomed to the differences of 'timbre,' of loudness and softness of musical sound, the child gains a quickness of apprehension and a delicacy of perception that will be valuable to it in many ways. For instance, it gains a keener perception of 'accent,' which will not only materially assist in the cultivation of 'pure English,' in the sense of distinguishing between that and any local dialect it may have acquired,

but dispose it the more easily to assimilate 'foreign languages.' When, through the ear, the faculty of *modulating* the voice is gained, of what incalculable value is it not to the public speaker in the pulpit, in the senate, on the stage, or on the platform? A melodious, well-modulated voice goes far to gain the ear, and enlist the sympathy of an audience. A monotonous, unmusical delivery, on the other hand, defeats its own objects by producing a drowsiness (and consequent inattention) and a weariness that is insupportable. This point is of such general application, and will be so readily conceded, that it is not necessary to enlarge upon it.

If there is one thing more than another that is of value to Englishmen in public speaking, it is that art of declamation, and the distinct articulation that must be acquired in good chorus singing, and is inseparable from it. We are so behind other countries in this respect, owing to the peculiarities of our mother tongue, that we cannot too highly value this means of overcoming our natural defects.

Fifty years ago, such a thing as 'Class Instruction in Music' was, I believe, unknown in our national, and certainly in our public schools. Music was valued but little by our eighteenth-century forefathers; though we should not forget that in the time of Elizabeth it was part of the education of every English gentleman to be able to take his part in the round, catch, or madrigal. It was regarded with suspicion and contempt by our great-grandfathers, and down to thirty years ago it was looked upon as an effeminate thing for a *boy* to have much to do with; it was chiefly relegated to girls and women. Now, it is possible for a boy at a public school to occupy some of his playtime (besides the form class or private lesson) in the pursuit of music without exciting unfavourable criticism or remark. If he excels, his fellows undoubtedly regard him with some pride.

Whence this total revulsion of public feeling? Surely it may be attributed to the growth of art, steadily progressing, leavening the whole lump, in proportion as its value in forming and elevating the life and character of mankind has been more and more appreciated.

But what magician's wand has wrought so general a change in the attitude of parents, tutors, and schoolboys towards music? Who made the strides that music has made among us possible, and by what means? Who prepared the ground, sowed the seed that has produced so abundant a harvest, and gave to the nation its highest intellectual recreation, and to tens of thousands their chiefest joy?

Who, but the late lamented Dr. John Hullah, who not only realised the beneficent and humanising influence of music, but grasped the fact that, if its power was to be known and felt among us, *the* way to confer upon us the benefits resulting from its cultivation, and to make us a musical people again, was to establish in every national or public school of every description 'Class Instruction in Music for the Young.' We only do justice to his memory in acknowledging that, to a very great extent, through his indefatigable efforts and life-long work, music has been put upon an educational footing in England through this system of class instruction. Its intrinsic value has been publicly recognised and acknowledged thereby.

In the higher walks of musical education the Royal Academy of Music has been a standing testimony to the *value* of this principle among us, and as we grow and develop in musical taste, fresh institutions arise to receive the increasing numbers who aspire to musical honours. The next national effort was the 'training school' at South Kensington, which did such good work, and turned out such excellent artists, where 'class instruction' formed (as in the R.A.M.) a very large part of the general curriculum.

To-day we have H.R.H. the Prince of Wales exerting himself to the utmost in establishing a permanent College of Music, and in impressing upon the public the *value* to young artists of 'class' as well as 'private' instruction.

It is earnestly to be hoped that this Congress and every society interested in the growth of art, and the general culture of our countrymen, will use its best endeavours continually to support His Royal Highness in his patriotic work.

The public mind should always be kept alive to these two facts—first, the *benefits* that such an institution as the Royal College of Music must confer upon the students themselves; and second, through them upon the nation at large, in order that people may be well assured that it is to their interest to give the scheme their cordial support, in order that its action may not be hampered, and that its influence may be as widespread as possible.

I have alluded to the quickening power of musical instruction upon the 'ear,' the channel by which all impressions from sound are conveyed to the 'mind.'

As *music* acts upon the mind through the *ear*, so does colour through the *eye*, and both by vibration. Certain laws of harmony, of blending of contrasts, pervade both music and painting. Some minds are more susceptible to impressions

from the one, others from the other. Both sound and colour act upon the mind through a medium; they may therefore be defined as secondary or reflected senses. The impressions conveyed to the mind by their means are not, therefore, necessarily evanescent, nor are they the less vivid; on the contrary, they are intensified. That strange affinity between colour and sound, which has of late given rise to so much inquiry and experiment, is instinctively perceived by persons of artistic temperament.

The sense of music, which in the first instance may be brought out by early 'class instruction,' is one of the best instincts of our nature. It is the natural expression of our loftiest sentiments and deepest emotions, and this must be said more especially of singing. Human nature pours out the full flood of its thanksgiving, and of its devotion in 'song,' a chord of sympathy that has thrilled through the world's history from all time. It is the natural way in which the highest of created beings, mankind, expresses the best, the noblest, and most unselfish promptings of his nature.

The natural gift of the human voice highly cultivated is a most glorious and divine attribute of our race. What more elevating to the mind?

What shall we say of that which lifts us out of ourselves, our troubles, and our weakness, makes us yearn for that which is higher and purer, and stirs us up to action, but that we are thankful for such a power? Does not this appeal to all, musical and unmusical?

What unmusical person when moved, either by religious or any other emotion, does not feel inclined to sing, to cry out, to do something to express the feeling that overwhelms him? Does he not then regret that natural inability, or want of early instruction, prevents him from singing? Singing is the expression of joy, satisfaction, contentment. When the child is happy it sings. Listen to the labouring man, happily and contentedly helping along the hours of daily routine work, humming and singing to himself. It is the cultivation of this natural instinct, first in the class in the schoolroom, and later on in the choir and choral society, that enables us to enjoy, both as audience and performers, those grand choral effects, for which our nation, and particularly this great town of Birmingham, has become so justly celebrated.

The exercises by which the ear is trained are directly useful to the mind, because the acquirement of the powers mentioned above is impossible without thought and memory.

Anything which stimulates habits of thought, and improves the powers of retention or memory, *must* be beneficial to the development of general mental capacity. Nothing induces the habit of attention in class (without which the best teaching is thrown away) more than the music class; no real interest in school work can be felt till this habit of attention is formed, and little progress can be made until it is attained.

Good people of the unmusical type are given to discourage music in their children's education, since they look upon it only from the sensuous side (forgetting that all art is an appeal through the senses to the mind). They think it encourages sloth, and does not tend to form business habits, and that if a man is what is called 'musical' he is not good for much in the battle of life. My own experience leads me to an opposite conclusion. A young man of any force of character knows where to stop, and when the music is interfering with serious business. Even supposing it does engross the weakling, who, by his constitution could never make a great mark in the world, he might do worse.

Although music may be put to base uses, it is itself a pure and beautiful spirit; it remains undefiled by the contact with them, and the disgrace to art is patent to all. Music is *not* only sensuous, but intellectual in the highest degree. It is a science which only a broad and massive intellect of a very high order can more or less fully grasp. It is the youngest of the arts, and as a science it rightly finds its place in the debates of a scientific congress.

The marvellous intellectual power and gigantic grasp of the intricate laws of counterpoint possessed by John Sebastian Bach must remain to succeeding generations as an astonishing monument of scientific fertility of thought and design, which hitherto has never been approached.

An approximate grasp of the science of music is only to be acquired by patient, continuous study. The more it is studied, the more it is heard, the more both head and heart are widened in sympathy, and in power of understanding; the imagination is developed, the whole mind and character are imbued with a chastened beauty of thought and expression that places the *genuine artist* on a level with those who rank first in intellectual culture.

Those who have long passed the time of childhood are often apt to forget the intensity of feeling of which the young are capable. Couple with the fact that childhood is the most impressionable period of existence, that music

wedded to words has the power of impressing the meaning of these words, quite unattainable by any other means, down into the very heart of the child in a way that nothing can eradicate; it will be seen at once how powerful an ally music is for imparting religious convictions, for stamping upon the unsullied mind of youth the great truths of revealed Christianity, and of filling it with high and noble aspirations.

Whether the class instruction is elementary, in the grammar of music, or of a more advanced character, the mind is insensibly drinking in culture of the higher sort. It becomes more sensitive to beauty of form, regularity of outline, to light and shade, to all that refines, and less in tune with all that is coarse and brutish. Then, provided young people have gone on from 'class' to 'private' instruction and study (not necessarily interfering with the business of life), what a resource and rest from toil they are providing for themselves in after life! What valuable members of society they become! We know the temptations that surround and are ready to engulph the youth that has no resources for his leisure hours. What can be better than for men to meet for four-part singing of an evening, to join the choral society, the choir, or to take part in the entertainment of the family circle!

I believe it will be generally admitted by choir masters and clergy, who have had to do with the training of choristers, that class instruction for choir boys encourages emulation. From this feeling often comes a wish for self-improvement and to rise in life. If a boy becomes anxious to excel in any one way, he at once strives to rise out of a lower standard and to distinguish himself. I have heard it stated by those who have had experience for years of choirs formed from the poorest classes that, as a rule—not that it was always the case, but that, as a rule—the boys who were taken out of their low (and sometimes degrading) surroundings into the choir did far better in life than their fellows. This I can fully endorse from my own personal observation, so far as it goes.

Before leaving the subject of 'the mind,' I must briefly refer to the observation that has been so frequently made to me about the careless, desultory manner of teaching instrumental and vocal music to individuals and classes which appears to be but too common. To give any real interest, so that persons may derive benefit from any subject, the *intelligence* must be brought to bear upon it. The chorus master,

the band master, the instrumental teacher, must explain to his chorus, his band, or his pupils, the why and the wherefore of things. If he does not, if he only says, 'Sing this in this manner,' 'Play that so,' and does not make sure his pupils understand the reason of what he tells them, they will be (and often are) as wise at the end as they were at the beginning, although they may be taught to perform like parrots or other unintellectual creatures. The explanation of the simple rudiments of harmony, the value of notes, dots, bars, time signatures, &c., should always form an integral part of 'class instruction,' whether of vocal or instrumental music, especially to the young, that they may understand with their [illegible] what they know and love with their hearts. There is this to be said about class instruction in music of all kinds, that a great deal of detail is generally passed over from sheer want of time. It is often difficult to give much individual attention. The faulty or coarse production of the voices of a class, however, is often to be attributed to the ignorance of the teacher. A want of intelligence or refinement may be the result of want of care and pains on the part of the instructor. On the other hand, 'class instruction,' however bad, is likely so to stimulate the love of singing that those who are able to get it will probably seek private instruction as well. But [illegible] bear in mind that 'ensemble singing' can never be satisfactory unless the individuals have a fairly good elementary knowledge of music. Two things are much to be desired: first, that 'class instruction' should be more general; and second, that the instruction should be thorough, and, as far as it goes, of the best.

'Health' 'hygiene' is the 'cry' of the day—'Sanitas sanitatum, omnia sanitas.' I shall show that 'Class Instruction in Music' is undoubtedly health, is the best way perhaps to popularise the question.

Anthony tells us that the great philosopher and politician, Hobbes, two hundred years ago, 'always had books of pricksong lying in his chamber, which at night, when he was [illegible] and the lines made dim, and was sure to be by heard him, he said, [illegible] that he had a good voice, but for his [illegible] side. He believed it did his lungs good.' It is now admitted by medical men that Hobbes was right in his theory, and that the moderate and regulated exercise of the vocal organs is of a salutary kind. It not only strengthens and develops those particular organs, but also expands the chest, and so improves the general health by the enforced extra inspiration and expiration, and has an exhilarat-

ing influence upon the spirits and the whole system. There is a right and a wrong way of doing everything. As I have already remarked, our language and our manner of speaking militate against a good vocal production; the result being that nine out of ten people who attempt to use their voices for singing or speaking purposes (without instruction) do it in a wrong, hurtful, and often very unpleasant way.

The subject of vocal production and its bearing upon health has been gone into at great length and brought before the general public lately by Dr. Lennox Browne, in connection with Herr Emile Behnke, in the work they have jointly issued, entitled 'Voice, Song, and Speech,' and which is doubtless familiar to many present. One has only to glance at that work to see that it is not possible in a short paper to do more than assert that a proper production and use of the vocal organs is as conducive to health as a wrong production is hurtful, and sometimes fatal, to it. 'Clergyman's sore throat!' I heard Herr Behnke say in a lecture on vocal production. 'Costermonger's sore throat, it might as well be called.' Both are caused by a straining and forcing of the vocal organs in a wrong way, so physically injurious as sometimes to bring about (in the case of clergymen) a total break-down of health. What I have said before in a former paper I do not hesitate to say again, if only on the ground of 'health'—first, that all those organists whose duty it is to instruct choirs ought *themselves* carefully to study the art of singing and of vocal production, and that nobody ought to be put in an important position unless he *has* done so; and second, that it is most desirable that *all* ministers of religion should go through a course of instruction in elocution, voice production, and singing, before they enter upon their public duties.

The injury to health produced by tight-lacing among women, as contrasted with the advantage of the proper expansion of the chest and the muscles in singing, has been fully set forth in the above-mentioned work.

There is a popular prejudice that much singing for choristers is injurious to the health. This can only be the case where the boys are allowed to scream and screech, where the choir-trainer takes no pains to teach them how to produce their voices properly. If he does so teach them, they sing without injury, and therefore with benefit, to their health and the feelings of their audience.

On public grounds I feel that this point cannot be too strongly emphasised, both for the sake of national cultivation

in the art of singing, and for the sake of the health of the students.

Class instruction in music gives the most palpable evidence of its beneficent influence upon the young in their *Disposition.*

It habituates them, in the first place, to a strict *Discipline*, and elicits from them a prompt and cheerful *Obedience* to the instructor, who, if he has tact, and is himself enthusiastic, will so win the goodwill of his class by communicating his spirit and 'verve' to them, that they will do anything he tells them with all their might, and emulate one another in the desire to give a perfect rendering to the work in hand. This involves a complete subordination of 'self' and the 'will.' I know of nothing that produces a more healthy tone of mind than the refreshing and exhilarating influence of chorus-singing, or orchestral playing, upon the individuals who take parts. Of this 'ingenua ars' it may truly be said, as we learnt as boys, 'emollit mores, nec sinit esse feros;' it holds good of boys and girls, of men and women.

Certainly the refining, humanising influence is very perceptible when the class is formed of the very poor and uncultivated.

Let me here quote from a kind letter I have received from Mr. Palgrave Simpson, who for thirty years has conducted an orchestral class formed of boys under fifteen years of age, in the Orphanage at Liverpool. He says: –

'Their life here, without change of scene and air, would be very sombre were it not enlivened by music.' He refers to the benefit they derive from the habit of prompt and ready obedience, and quick attention necessary to sound every note at the proper moment. Again, he says, 'it produces amongst the members of the band a spirit of *esprit de corps*. The band-boys have a greater regard for each other than for the rest of the school. In after life they get good engagements in the Grenadiers and other bands. A place in the band is so much prized that expulsion is considered a severe punishment; but, as a rule, the band-boys conduct themselves much better than the others. Though the boys play the usual full-sized military instruments, their health is in no degree impaired—rather the reverse.'

Here we have an instance of the value of 'orchestral class instruction' to these young orphan boys in all the points before us, and gain a glimpse of what an admirable work is being continuously done by Mr. Palgrave Simpson in this excellent Institution.

I think it is sufficiently self-evident that anything which has the power of taking people, as it were, 'out of themselves,' of bringing to the front good temper, keen interest, submission of the will, order, exactness, combined with innocent and exhilarating enjoyments, is invaluable for cultivating a happy and amiable 'disposition' in the young of both sexes, for developing those qualities that make men and women attractive, good citizens, good friends, pleasant companions. The early knowledge gained in the elementary class puts the young in a position to join the choral society, or the choir, where we may undoubtedly claim for 'music' that it does bring out all these good qualities I have mentioned, that it is elevating, humanising, refining.

One has only to look at the bright, eager eyes of the chorister-boys in the choir which I have the honour to direct, to see how strong is the influence of beautiful music, married to sacred words, upon their hearts and dispositions—to feel how readily they will strain every nerve to accomplish what they know to be required to attain the high standard that is put before them.

You may see the old boys hanging about the church and choir, eagerly listening—joining with their spirit and understanding only—to the service, with dejected faces, restless and wretched that they can no longer sing, and only longing for the time when they can come back again into the choir as men.

What, then, is the value of music to the young? I say it is priceless, and why? In the short review I have been able to make of the results valuable to the young, which one can point to as the direct and indirect product of 'class instruction,' we have seen how music is interwoven with our existence; how the 'ear' is quickened, the speech improved; how the 'mind,' by its means, finds a vehicle of expression when deeply and emotionally moved; how the intellect is strengthened and developed; how it may be used to inculcate good principles and refine the tastes; how the 'health' may be materially improved, and the 'disposition' ennobled and trained by discipline and self-sacrifice; for the display of those amiable qualities that are essential to the well-being of our social system. The nation that is now pre-eminent in intellectual power and physical development is Germany. The land that has produced the greatest scientists and musicians is Germany. The people who are the most musical are those among whom the principle of 'Class Instruction in Music' is most universal, and they are the Germans.

From all this we argue that nothing but good is likely to be the outcome of 'Class Instruction in Music.'

In closing this paper let me be allowed to say, as a church musician, that I value music for the young as priceless for a still higher consideration—because it is divine.

When the mind is racked, tortured, and distressed, the soothing effect of music is instinctively said to be 'heavenly.' Truly it is so; it reaches from earth to heaven, links the mortal with the immortal, and temporal things with eternal. 'Harmony' pervades the perfect cosmos of the universe, the reflex of the mind of the Almighty Creator. The poetic idea of the voices of all created things, and at the head of them mankind, uniting in praise, is beautifully set forth in the 'Benedicite.' It is fitting that the voices of children, of young men and women, should be so trained by 'Class Instruction in Music' as to be in tune with this ceaseless pæan.

What has brought out the greatest masterpieces of art, whether in painting, music, or architecture? Religious subjects. *The* pictures of the world, the models for all time, were conceived and executed in a mental attitude of religious devotion. The grand cathedrals of past ages speak for themselves. The greatest intellectual efforts of musical geniuses have found expression in oratorio and mass music, and last, but not least, the final work of Wagner's life, that is described to us as the profoundest and most transcendent of his compositions, now engrossing the attention of the musical world, 'Parsifal,' is inspired throughout by religious and devotional treatment of a sacred subject. The music that expresses worship or thanksgiving has a more definite object than any other; it then exercises the highest function of art. In these days of infidelity the knowledge of music gained in the class may be an aid to faith, when it brings young people under religious influence.

Can we do better for their present and future, and for posterity, than to enable and encourage them to go their ways into the gates of the Lord with thanksgiving, and into His courts with praise?

DISCUSSION.

Mr. C. J. Duchemin (Edgbaston) said good music was not sufficiently carried out in this country; people looked at it as a species of amusement, an aid to enjoyment; they gave no thought to its cultivation as an art or science. The majority of lady teachers so left their pupils that they could not discriminate between one fine composition and

another. What was wanted was a development of class singing, so that the pupils could have the advantage of hearing a large number sing. On the Continent that plan had been carried out to a very great extent. Wherever they went in Germany or in Italy there was the means of obtaining this instruction. On the Continent, unfortunately, the English nation had a bad name in regard to music; they were, in fact, deemed to be an unmusical people; but such was not the case. They were as musical as any other people, and the fact was proved by the way in which they flocked to hear good music. Unfortunately music was not sufficiently cheap to enable it to be very largely popularised. It was true that Birmingham had set a noble example in this direction, which he should like to see largely followed. On the Continent they could see an opera from a comfortable place for about fifteen pence, and he availed himself of the opportunity in a recent visit to Boulogne; and this was not once a month, but three or four times a week. That was the sort of thing which ought to be done all over England; but it could only be done with some encouragement from the Government, and that assistance should be given in such a way that the best music could be introduced and made more familiar to the poorer classes. Every town should have a free concert where all kinds of good music was performed. If a greater variety of this better class of music were thus fostered, he believed it would tend to improve the taste and talent of the English people.

Dr. Heinemann (London) said he had known people who were considered clever, professing to enjoy themselves by listening to music the words and sense of which were simple nonsense. He had heard the greatest variety of 'bosh' played and sung by grand ladies in beautiful dresses, who were much admired by their own families for the genius they were supposed to possess. He had often heard people professing to teach music who were themselves very deficient in general culture. How could they expect people who were not in harmony with the tune, who had read nothing, and who thought of nothing, to recommend to their pupils good music? It was essential that the music teacher should receive an education not alone in music, but such a one as would open his mind to the best sentiments, feelings, and thoughts of nature. As to the question which they were considering, he thought there could not be two opinions upon it. There was not a school in Germany where singing was not taught as a part of the curriculum of ordinary school life. He did not believe, however, that music could or should be taught to every one. If they wanted a painter they must take someone to whom nature had given a talent for painting, and so with music; they could not make a person a musician unless nature had given him a talent for it. If they endeavoured to teach instrumental music to a person who had no talent, it only produced torture to the person who performed, and to the audience who had to listen. While music was considered as an accomplishment which every one could master, the ideal standard was lowered.

Mr. F. J. Wilson (Leamington) said what they had to work upon was the primitive ear of the child, and that unfortunately was continually being assaulted without any notice being taken of the fact.

In every large town there was a multitude of inharmonious and harsh sounds which destroyed the delicate organism of the ear. He protested also against the custom, now so largely in vogue, of straining the voice in the effort to bring out high notes. This system had a fatal effect on the voice, and was also damaging to the ear, in that it set up a false standard of appreciation.

Mr. T. C. Horsfall (Manchester) said he was one of that large class of persons who, though not musicians themselves, yet derived very great pleasure from music. He had also considerable experience with regard to the use of music, for he was a member of a society which started in Manchester a system of popular concerts, which now enabled about five thousand people to hear good music every Saturday night in winter. He desired to express his entire disagreement with Dr. Heinemann when he said that no one should be taught music unless he had a musical talent. They knew that in Germany all children were taught music, and they had the authority of the late Mr. Hullah for the statement that not more than half-a-dozen people in a thousand lacked the power of learning to sing and enjoy music, if well taught in childhood. At a conference of French schoolmasters in Paris in 1873 one of the Parisian inspectors of schools expressed exactly the same opinion. He said he had never come across more than three or four children who could not be taught music and who would not take considerable pleasure in it; and he added that the age at which musical instruction should be given, the age at which the ear was formed, was from five to nine; and English experience fully corroborated that view. One great defect of the musical teaching in most schools, a defect which should be remedied at once, was an incessant straining of the voice. It was painful in passing some schools to hear how children's voices were spoiled and their taste vulgarised by their being allowed to scream in singing. Such training made them tolerant of the music of the music halls. An admirable suggestion had recently been made in London, which he should like to see carried out, that a trained amateur children's choir should sing sometimes in elementary schools, so that school children might hear the songs they themselves sang thoroughly well sung by well-trained refined voices.

Mr. P. H. Rathbone (Hon. Secretary of the Department) recognised the great work which had been done by the Academy of Music, and more recently by the Royal College of Music; but such an institution, to be really useful, must have a branch in every large town. It was not the mere musical teaching which they had to provide, but the actual cost of maintenance hindered many. That was the difficulty which he had found in cases where, though there had been an extraordinary development of musical talent, the expense of maintaining the pupil away from home was so great that it could not be faced. The management of the voice was really the essential part of musical education.

Mr. De Manby Sergison, in replying on the discussion, said he was sure a hearing would be given in Germany to anything good that was written sooner or later: and in reference to the remark that children's ears were distorted by the want of good music, it must be remembered that we were at present but in a progres-

sive state, and must not be in too great a hurry. No doubt the children of the professors and the wealthy had more opportunities of hearing good music than their poorer brethren, but they must not forget that England was a musical country before any other in the world, that madrigals and part songs were written in this country even before the days of Palestrino, while the first musical composition was of British music. As to cheap concerts, there was nothing in the world to which he should so much like to give his time. But the real difficulty, as a gentleman who was a prince among art patrons once told him, was 'money.' His experience of all these efforts was that they failed for want of funds to keep them going. If the public would not support such a movement better than it had hitherto done, it only meant financial failure. Dr. Heinemann had made some remarks about the singing capacities of the aristocracy, but it should be borne in mind that the aristocracy were not musical; it was among the middle classes that they found the greatest love of music. As to the amateur concert singing mentioned by Mr. Horsfall, no doubt ladies and gentlemen who had been properly taught would sing better than others; but the great fault of this sort of singing was that it was done in a sort of drawing-room style, which entirely failed in a large room where the voice was required to reach a large number of people.

Lady MACFARREN in reply admitted that it was not from the persons who had learned German and French of a French governess and their own language in the nursery that the best interpretation of great works was to be looked for. One of the speakers had condemned the music which was heard in fashionable drawing-rooms, but it entirely corresponded with the persons from whom it came. Those who only lived for the satisfaction of the hour, and who had no thought of anything higher, could not be expected to do great things. But there was a growing class which did not live for self, and she must say that in her experience the best music was heard in such families, and frivolous compositions were unknown. She was glad to find among this class some desire to assist their poorer fellow-beings, and that assistance might be most advantageously given in the interpretation of the best music.

The PRESIDENT OF THE DEPARTMENT (Mr. Beresford-Hope, M.P.) said that, looking at the question from the side of reason, he was sure the arguments were absolutely convincing as to the great social and moral effect of musical education in training the mind to ideas of order, learning, and everything else that conformed to the great divine ideal. The papers had been of supreme interest and the discussion most successful.

ART FOR THE PEOPLE.

How can a Love and Appreciation of Art be best developed among the Masses of the People? By WALTER BESANT.

THERE is a passage in one of the letters of the late Edward Denison which exactly interprets the dejection and despair certain to fall upon one who seriously considers the condition of the poor in great cities. He writes from Philpott Street, Commercial Road, East London, and he says: 'My wits are getting blunted by the monotony and ugliness of the place. I can almost imagine the awful effect upon a human mind of never seeing anything but the meanest and vilest of men, and man's work, and of complete exclusion from the sight of God's works.' The very exaggeration of these words shows the profound dejection of the writer, at a moment when his resolution to continue living in a place where there was neither nature nor art, nor beauty anywhere, weighed upon him like a penal sentence, so that the vileness of the surroundings entered into his soul and made him feel as if the men and women in the place as well as their works were all alike mean, vile, and sordid. Edward Denison wrote these words seventeen years ago. The place in which he lived is still ugly and monotonous, a small cross street leading from the back of the London Hospital into the Commercial Road, about as far from green fields and parks or gardens as can be found anywhere in London; there are still a good many of the vilest of man's works carried on in the neighbourhood, especially the making of clothes for Government contracts, and the making of shirts for private sweaters. But something has been attempted since Denison came here—the pioneer of a great invasion. Many others have followed his example, and are now, like him, living among the people. Clubs have been established, concerts, readings, public holidays, excursions into the country, convalescent homes, a thousand different things have grown up for the amelioration of the poor. Better than all, there are now thousands of educated and cultivated men and women who are perpetually considering how existing evils may be remedied and new evils prevented. With philanthropic efforts, with the social questions connected with them, I have now nothing to do. We are at present only concerned with a question of Art: we are to inquire how the

love and desire for Art may be introduced and developed, and to ask what has already been attempted in this direction.

I would first desire to explain that I know absolutely nothing about the state of things in any other great city of Great Britain than one. What I say is based upon such small knowledge as I may have gained concerning London, and especially East London. As regards Birmingham, Manchester, Sheffield, Glasgow, and any other place where there is a great industrial population, I know nothing. If, therefore, exception be taken to any expressions of mine as applied to some other city, I beg it to be remembered that East London alone is in my mind. Even concerning East London exception may be taken to anything I may advance. That is because it is impossible to make any general proposition whatever of humanity considered in the mass except the elementary ones, such as that all must eat and sleep, to which objection may not be raised. Thus, I know that it is true, and I am prepared to maintain the assertion that the lower classes in London care nothing about Art, and know nothing about Art, and have only an elementary appreciation of things beautiful. It is equally true, on the other hand, that there are everywhere among the poor some whose hearts are yearning and whose hands are stretched out in prayer for greater beauty and fulness of life. It is also, as a general statement, true that there are no amusements in East London, which contains two and a half millions of people, has no municipality, and is the biggest and meanest city in the whole world. Yet it is equally true that there are in it institutes for education and science, art, and literature, mutual improvement societies, clubs at which there are evenings for singing, dancing, and private theatricals, and rowing, swimming, and cricket clubs. It is again, as a general rule, true that the lower classes are ignorant of science, yet there are everywhere scattered among the working men single cases of earnest devotion to science. And it is painfully true that they do not seem to feel the ugliness of their own streets and houses; yet no one who has been among the holiday folks in the country on a Bank Holiday or a fine Sunday in the summer can deny their profound appreciation of field and forest, flowers and green leaves, sunshine and shade. It is, lastly, perfectly true that their lives, compared with those of the more cultivated classes, do seem horribly dull, monotonous, and poor. Yet the dullness is more apparent than real; ugly houses and mean streets do not necessarily imply mean and ugly lives. Their days may be

enlivened in a thousand ways which to the outsider are invisible. Among these are some which directly or indirectly make for the appreciation of Art.

It seems safe, however, to advance one proposition. There is a class in and below which it is impossible that there can exist a feeling for Art, or, indeed, for religion, for virtue, for knowledge of any kind, or for anything beyond the necessity of providing for the next day's food and shelter. Those miserable women who work from early morning to late night, condemned to a slavery worse than any we have abolished; those hungry men who besiege the dock-gates for a day's work, and have nothing in the whole world but a pair of hands: that vast class which is separated from starvation by a single day—what thought, interest, or care can they have for anything in the world but the procuring of food? At that level where the physical condition of English men and women is worse, as Professor Huxley has declared it to be, than the condition of naked savages in the Southern Seas, how can we look for the virtues and the aspirations which belong essentially to the level of comparative ease? Until we have mastered the problem of finding steady work for all, with adequate wages and decent homes, we need not look for Art in these lowest ranks. We have to do, therefore, not with the very poor at all, but with the respectable poor—the families of skilled mechanics, employés in regular work, workmen in breweries, ship-yards, and factories, independent handicraftsmen, clerks, cashiers, accountants, writers, small shopkeepers, and all that great host which is perpetually occupied in increasing the wealth of the country by labour which, at least, permits them to live in comfort. All these people have leisure; most of them, except the shop assistants, have no work in the evening: they are all possessed of some education. There is no reason at all why they should not, if they could be only got to desire it, become students in some of the branches of Art.

Let us then, always with reference to this one city and this one class of its inhabitants, ascertain what has been done already to create a love of Art. The most important thing as yet attempted is the Bethnal Green Museum. It is, for our purposes, also the most instructive, because it has hitherto been, I consider, a complete and ignominious failure. That is to say, it was established and is maintained as an educational museum, it was especially designed to create and develop a knowledge of Art: and it has not done so. It was opened in 1872 with, among other things, the magnificent collection

of pictures lent by Sir Richard Wallace; during the twelve years of its existence it has exhibited other collections of considerable interest: but the education, the free library, and the class rooms promised at the outset have never been forthcoming. It is, in fact, a dumb and silent gallery. One may compare it to a Board School newly built, provided with all the latest appliances for education, with books, desks, seats, blackboards, and everything, including crowds of pupils, but left without a teaching staff, the pupils being expected to teach themselves. Why not? There are the books and there are the desks. So with this museum. You cannot learn anything of Art without the study of artistic work. Here is the artistic work. Why do not the people study it? They certainly come to the place; they come in large numbers; on free days when it is open until ten at night they average over two thousand a day all the year round. And if you take the trouble to watch them, to follow them about, and to listen to their conversation, you will presently discover with how much intelligence they are studying the artistic work before them.

The failure of Bethnal Green should teach us what to avoid. Let us therefore walk round the halls and galleries of this museum. In the central hall there is placed, each object with a ticket containing a brief description of it, a really noble collection of cabinets, carved and painted; with these are rare and costly vases, of English, Russian, Danish, and German workmanship; there are a few statuettes, some paintings on china, things in glazed earthenware; and glass cases containing Syrian and Albanian necklaces and jewellery. In the lower side galleries there is, first, a collection of food products, showing specimens of wheat, rice, starch, salt, and so forth, with models of vegetables and fruit executed in wax; and next, a collection of woollen stuffs and fabrics of all kinds, with feathers, stags' heads, antlers, and so forth. In the upper galleries there is a collection of paintings and engravings. Here and there are suspended tablets which are inscribed with bits of information, chiefly statistical. On my last visit to the place I could not observe that anyone was studying these tablets. This is, roughly speaking, all that the Bethnal Green Museum contains. The Directors of this institution, opened with so much promise, which was going to educate the people and endow them with a sense of Art and a love of beauty, think they have done all they promised when they show a collection of cabinets and vases, a few bottles containing rice and wheat, a few turnips in wax, a few cases with

pretty fabrics, and a collection of pictures. There is no music; there is no sculpture; none of the small arts are represented at all; there is not the slightest attempt made to educate anybody. If you want any other information or help besides that given by the tablets you will not get it, because there is nobody to give it. A policeman mounts guard over the cases, a woman sells the publications of the South Kensington Department, and you can read on a board the number of visitors for every day in the year. But there is no one to go round with you and talk about the things on exhibition. There are no lectures nor any classes, there are no handbooks to teach the history of the Fine Arts and to illustrate the collection in the museum. There is not, incredible to say, even a catalogue. *There is no catalogue.* Imagine an exhibition without even an official guide to its contents. Here, says the Department, is the Bethnal Green Museum with its doors wide open: let the people walk in and inspect the contents.

So, if we invited the people to inspect a collection of cuneiform inscriptions, we might just as well expect them to carry away a knowledge of Assyrian history; or by exhibiting an electrical machine we might as well expect them to understand the appliances of electricity. It is not enough, in fact, to exhibit pictures: they must be explained. It is with paintings and drawings as with everything else, those who come to see them, having no knowledge, carry none away with them. The visitors to a museum are like travellers in a foreign country, of whom Emerson truly says that when they leave it they take nothing away but what they brought with them. The finest wood carving, the most beautiful vase, the richest classic painting, produces on the uncultivated eye no more valuable or lasting impression than the sight of a sailing ship for the first time produces on the mind of a savage. That is to say, the impression at the best is of wonder, not of delight or curiosity at all. In the picture galleries, it is true, the dull eyes are lifted and the weary faces brighten, because here, if you please, we touch upon that art which every human being all over the world can appreciate. It is the art of story-telling. The visitors go from picture to picture and they read the stories. As for landscapes, figures, portraits, or heads, they pass them by. What they love is a picture of life in action, a picture that tells a story and quickens their pulses. You may observe this in every picture gallery—even at the Grosvenor and the Royal Academy—even among the classes who are supposed

to know something of Art: for one who studies a portrait by Millais, or a head by Leighton, there are crowds who stand before a picture which tells a story. At the Royal Academy the story is generally, but not always, read in silence; at Bethnal Green it is read aloud. You will perhaps observe the importance of this difference. It is because at the Royal Academy everybody has the feeling that he is present in the character of a critic, and must therefore affect, at least, to be considering the workmanship, and passing a judgment on the artist. But at Bethnal Green the visitors feel that they have been invited to be pleased, to wonder, and to admire the beautiful stories represented on the canvas by clever men who have learnt this trade. As for how a story may be told on canvas, the way in which the conception of the artist has been executed, the truth of the drawing, the fidelity of colouring—on these points no questions are asked and no curiosity is expressed. Why should they? Painting they regard as one of the arts which may be learned for a trade, like matchmaking or shoemaking. Remember that it never occurs to people to learn the mysteries of any trade beside their own. On my last visit to this museum, for instance, I chanced upon two women who were standing before a vase. It was a large and very beautiful vase, of admirable form and proportions, and it was decorated on the top by a group representing three captives chained to the rock. Their comment on this work of art was as follows:—'Look,' said one, 'look at those poor men chained to the rock.' 'Yes,' replied the other, 'poor fellows! ain't it shocking?'

To their eyes the only thing to be looked at was the group of figures, and the only suggestion made to their minds by the vase related to the story, thus half told, of the captives. As for the vase itself, it was nothing; the workmanship and painting were nothing; the sculpturing of the figures was nothing.

It is constantly argued that the mere contemplation of things beautiful creates this artistic sense—the sense of beauty. This is undoubtedly true if one were to dwell entirely among beautiful things. But how if for one thing which is beautiful you are made to contemplate a hundred which are not? Suppose you offer a girl of untrained eye a choice of costumes, of which one is artistic and the rest are all hideous, how can you expect her to know the one—the only one—which she ought to choose? Or, again, if you allow a boy to read and learn as much bad poetry as good,

what can you expect of his standard of taste? In other words, when the surroundings of life are wholly without Art, an occasional visit to a collection of paintings cannot create an intelligent appreciation of Art.

Again, there are many branches and diverse forms of Art. For instance, there is music, there is singing, there is acting, there is sculpture, poetry, fiction; and besides these there are working in metals, engraving in wood and copper, leather work, brass work, fret work, and decoration. None of these arts are illustrated and recognised in the Bethnal Green Museum. Yet, when we speak of the spreading of Art among the poor, surely we do not mean only drawing, design, and painting.

The popularity of this museum has been argued as a proof of its efficiency. It attracts over 2,000 on every free day all the year round. On the one day in the week when an entrance fee of sixpence is required it attracts from twenty to forty. This means that out of two millions of people in East London there is so little enthusiasm for Art that only forty can be found each week to pay sixpence in order to enjoy quiet galleries and undisturbed study. Remember that East London is not altogether a poor place; there are whole districts which are full of villa residences as good as any in the southern suburbs; there are many people who are wealthy; but all the wealth and all the Art enthusiasm of the place will not bring more than forty every week to pay their sixpence.

The throng of visitors on free days may also, I fear, partly be explained on other grounds than the love of Art. It is a place where one can pleasantly lounge, or sit down to rest, or lazily look at pleasant things, or talk with one's friends, or take refuge from bad weather. This is as it should be; the place is regarded as a pleasant place. Yet the number of visitors has fallen off. In the first year of its existence nearly a million entered the gates; four years later an equal number was registered; for the last three years the number has fallen to less than half a million. Its popularity, therefore, is on the decline.

It is, again, a great place for children. They are sent here just as they are sent to the British Museum and the South Kensington Museum in order to be out of the way. You will always see children in these places, strolling listlessly among the rooms and corridors. Once, for instance, on a certain Easter Monday, I encountered in the South Kensington Museum a miserable little pair, who were crying in a

corner by themselves. Beside the cases full of splendid embroideries and golden lace, among which they had strayed, they looked curiously incongruous, and somewhat like the unfortunate pair led to their destruction by the wicked uncle. They had, in fact, been sent to the museum by their mother with a piece of bread-and-butter for their dinner, and told to stay there all day long. By this time the bread-and-butter had long since been eaten up, and they were hungry again, and there was a long afternoon before them. What to these hungry children would have been a whole Field of the Cloth of Gold? We must, therefore, make very large deductions, indeed, when we consider the popularity of Bethnal Green. Doubtless it is pleasant to read the stories of the pictures; but the light, the warmth, the society of the place are also pleasant. And as for Art education, why, as none is given to the people, so none is desired by them.

I have dwelt upon Bethnal Green Museum at some length, not because I wished to attack the place, but because it seems to me an example of what ought not to be done, and because it illustrates most admirably two propositions which I have to offer. These are—(1) That the lower classes have no instinctive desire for Art; (2) that they will not teach themselves.

We may also learn from considering what this museum is what an educational and popular museum ought to be; and on this I will immediately touch. Meantime let us go on to consider a few minor agencies in the East of London, directly or indirectly working in favour of Art. And, first, I should like to call attention to the annual exhibition of pictures, which the indefatigable vicar of St. Jude's, Whitechapel—the Rev. Samuel Barnett—gets together every Easter for his people. The point is not so much that he holds this exhibition as that he engages the services of volunteer lecturers, who go round the show with the visitors and explain the pictures, so that they may learn what it is they should admire and something of what they should look for in a drawing or painting. In other words, Mr. Barnett's visitors are instructed in the first elements of Art criticism. There are, next, certain institutes, educational and social, such as the Bow and Bromley and the Beaumont, which might be used to advantage for Art purposes. Then there are the Church organisations, with their services, their clubs, their social gatherings, and their schools; there are the Chapels, each with its own set of similar institutions; there are the working men's clubs,

which might also lend themselves and their rooms for the development of Art; there are such societies as the Kyrle Society, which give free concerts of good music, and are therefore already working for us; lastly, there are the schools of Drawing—there are five in East London, working under the South Kensington Department. All these are agencies which either are already working in the interests of Art, or could be easily induced to do so.

To sum up, at the exhibition of the Bethnal Green Museum the people walk round the pictures, are pleased to read their stories, and go away; at the concerts they listen, are satisfied, and go away; at the readings and recitations they applaud and go away. They are not, in fact, stimulated by these exhibitions and performances in the slightest degree to draw, paint, carve, play an instrument, sing, recite, or act for themselves. Observe, on the other hand, that directly they form clubs of their own, although they may develop many reprehensible tendencies, and especially that of gambling, they do at once begin to act, sing, recite, and dance for themselves. What we want them to do, then, is to begin for themselves, or to fall in willingly with those who begin for them, the pursuit of Art in its more difficult and higher branches. What we desire is that they should realise what we know, that to teach a lad or a girl one of these Fine Arts is to confer upon him an inestimable boon; that no life can be wholly unhappy which is cheered by the power of playing an instrument, dancing, painting, carving, modelling, singing, making fiction or writing poetry; that it is not necessary to do these things so well as to be able to live by them; but that every man who practises one of these arts is, during his work, drawn out of himself and away from the bad conditions of his life. If, I say, the people can be got to understand something of this, the rest will be easy. A few examples in their midst will be enough to show them that it wants little effort to become an artist, that the practice of Art is a life-long delight, and that in the practice and improvement of the faculties of observation, comparison, and selection, in the daily consideration of beauty in its various forms, the years roll by easily and are spent in a continual dream of happiness. You know that it has been observed especially of actors that they never grow old. The thing is true with artists of every kind, they never grow old. Their hair may become grey and may fall off, they may be afflicted with the same weaknesses as other men, but their hearts remain always young to the very end. But this is

not an inducement, I am afraid, that we can put forth in an appeal to the people to follow Art. I am sure, moreover, that it is the desire of all to include the encouragement of every kind of Art, not that of drawing and painting only. We wish that every boy and every girl shall learn something —and it matters little whether we make him draw, design, paint, decorate, carve, work in brass or leather, whether we make him a musician, a painter, a sculptor, a poet, or a novelist, provided he be instructed in the true principles of Art. Imagine, if you can, a time when in every family of boys and girls one shall be a musician, and another a carver of wood, and a third a painter; when every home shall be full of artistic and beautiful things, and the present ugliness be only remembered as a kind of bad dream. This may appear to some impossible, but it is, on the other hand, very possible and sure to come in the immediate future. It is true that, as a nation, we are not artistic, but we might change our character in a single generation. It has taken less than a single generation to develop the enormous increase of Art which we now see around us in the upper classes. Think of such a thing as the modern house decoration and that of thirty years ago. We have to extend this development into regions where it is as yet unfelt and among a class which have, as yet, shown no willingness or desire for such extension.

All this has been said by way of preface for the practical scheme which I venture now to lay before you. You have already heard from Mr. Leland's own lips what has been for five years his work in Philadelphia, you have heard how he has brought the small arts into hundreds of homes and has given purpose and brightness to hundreds of lives. I have followed this work of his from the beginning with the greatest interest. Before he began it, he told me what he was going to try, and how he meant to try. But I think that, courageous and self-reliant as he is, he did not and could not, at the outset, anticipate such a magnificent success as he has obtained. You have also heard something of the society called the Cottage Arts Association, founded by Mrs. Jebb, by which the villagers are taught some of the minor arts.

This Association is, I am convinced, going to do a great work, and I am very glad to be able to read you Mrs. Jebb's own testimony, the fruit of her long experience. She says:- 'We must give the people—children of course included—opportunities of unofficial intercourse with those who already

love Art, and who can help them to see and to discriminate. We must teach them to use their own hands and eyes in doing actual Art work; even if the work done does not count for much, it will develop their observation and quicken their appreciation in a way which I believe nothing else will do—no mere looking or explaining. They must be helped to make their own homes and the things they use beautiful. They must not be helped only to learn to do Art work, but also given ideas as to its application, shown how and where to get materials, &c. Further, it has been resolved that prizes shall be given to the pupils for the best copies drawn, modelled, carved, or *repoussée* of the casts and designs circulated among the various classes.'

I propose therefore that, with such modifications as suit our own way of working, we should imitate on a more extended scale the example set us by Mrs. Jebb and Mr. Leland. I think that it would not be difficult, while retaining the machinery and the help afforded by the South Kensington Department in painting and drawing, to establish local clubs, classes, and societies, or, which I think much better, a central society with local branches, either for the whole of England or for each county or for each great city, for the purpose of teaching, encouraging, and advancing all the Fine Arts both small and great. We do the whole of our collective work in this country by means of societies: it is an Englishman's instinct, if he ardently desires to bring about a thing, to recognise that, though he cannot get what he wants by his own effort, he may get it by associating other people with him and forming a society. Everything is done by societies. One need not therefore make any apology for desiring to see another society established. That of which I dream would be, to begin with, independent of all politics, controversies, or theories whatever; it would not be a society requiring an immense income—in fact, with a very small income indeed very large results might be obtained, as you will immediately see. The work of the society would consist almost entirely of evening classes; it would not have to build schools or to buy houses at first, but it would use, or rent, whatever rooms might be found available—perhaps those of the day schools. All the arts would be taught in these schools, except perhaps those already taught by the South Kensington Department, but especially the minor arts, for this very important and practical reason, that these would be found almost immediately to have a money value, and would therefore serve the useful purpose of attracting pupils. At the

outset there must be no fees, but everybody must be invited to come in and learn. After the value of the school has been thoroughly established in the popular mind there would be no difficulty in exacting a small fee towards the expenses of maintenance. But, from the very first, there must be established a system of prizes, public exhibitions of work done by the students, concerts at which the musicians would play and the choirs would sing, and theatricals at which the actors would perform. Partly by these public honours, and partly by showing an actual market value possessed by some of the work, we may confidently look forward to creating and afterwards fostering a genuine enthusiasm for Art.

How are the funds to be provided for all this work? The money required for a commencement will be in reality very little. There are the necessary tools and materials to be found, a certain amount of house service to be done and paid for, gas and firing, and perhaps rent. Observe, however, that the materials for Art students of all kinds are not expensive, that house service costs very little, light and firing not a great deal; and even the rent would not be heavy, since all our schools would be situated in the poor neighbourhoods. There only remain the teachers, and here comes in the really important part of the scheme. *The teachers will at first cost nothing at all.* They will all be members of our new society, and they will give their personal services as gratuitous teachers. This part of the scheme is sure to command your sympathies, the more so if you consider the current of contemporary thought. More and more we are getting volunteer labour in almost every department. Everywhere, in every town and in every parish, along with the professional workers are those who work for nothing. As for the women who work for nothing, the sisters of religious orders, the women who collect rents, the women who live among the poor, those who read aloud to patients in hospitals, those who go about in the poorest places, their name is legion. And as for the men, we have no cause to be ashamed of the part which they take in this great voluntary movement, which is the noblest thing the world has ever seen, and which I believe to be only just beginning. All our great religious societies, all our hospitals, all our philanthropic societies are worked by unpaid committees. All our school boards over the whole country are unpaid. At this very moment there are springing up here and there in East London actual monasteries—only without monastic vows—in which live young men who devote themselves, either wholly or in

part, to work among the poor, often to evening and night work after their own day's labours. This is no longer a visionary thing; it is a great and solid fact, that there are hundreds of men willing, without vows, orders, or any rule, and without hope of reward, not even gratitude, to live for their brother men. They give, not their money or their influence or their exhortations, but they give—*themselves.* Greater love hath no man. As for us, we shall not ask our teachers to give their whole time, unless they offer it. One or two evenings out of the week will suffice. I am convinced—you are all, I am sure, convinced—that there will be no difficulty at all in getting teachers, but that the only difficulty will be in selecting those who can add discretion to zeal, capability to enthusiasm, skill and tact in teaching, as well as knowledge of an art to be taught. Think of the Working Men's College in New Ormond Street—perhaps you don't know of this institution. It is a great school for working men; it teaches all subjects, and it has been running for nearly thirty years. During the whole of that time, I believe I am right in saying that the professors and teachers have been all unpaid—they are volunteers. Can we fear that in Art, in which there are so many enthusiasts, we shall not get as much volunteer assistance as in Letters and Science?

This, then, is my proposal for creating and developing an enthusiasm for Art. There are to be schools everywhere, controlled by local committees, under a central society; there are to be volunteer teachers, willing to subject themselves to rule and order: there are to be public exhibitions and prize-givings; all the arts, not one only, are to be taught; great prominence is to be given to the minor arts; at first there will be no fees; above all and before all, the great College of ours is not to be made a Government department, to be tied and bound by the hard and fast rules and red tape which are the curse of every department, nor is it to be under the direction of any School Board, but, like most things in this country that are of any use, it is to be governed by its own council.

One thing more. I am firmly convinced that the only institutions in any country which endure are those which take a firm hold of the popular mind and are supported by the people themselves. In order to make the College of Art permanent, it must belong absolutely to the people. This can only be effected by the gradual retirement of the wealthy class, who will start it, from the management, and the

substitution of actual working-men in their place—working-men, I mean, who have themselves been through some course of study in the College, and have, perhaps, become teachers. And as working-men will certainly do nothing without pay—in London, whatever may be the case elsewhere, their strongest feeling is that their only possessions are their time and their hands—we shall have to provide that the teachers of the schools, the directors of the college, and the clerks in the secretariat, shall never be paid at a higher rate than the current rate of wage for manual work. The people themselves will in the end supply council, executive officers, and teaching staff. The time is ripe; we are ready to begin the work; I do not fear for a moment that the working-man will not, if we begin with prudence, presently respond, and, through him, the boys and girls.

We must, however, have a museum, although on this subject I cannot dwell. I should like to take the Bethnal Green institution entirely out of South Kensington hands; they have had it for fourteen years, and you have heard what they have made of it. I think they should hand it over, if not to our new College of Art, then to a local committee, who would at least try to show what an educational museum should be. Our educational museum will be a branch of the College of Art; it will be in all respects the exact opposite of the Bethnal Green Museum; it will have everything which is there wanting; it will have a library and reading-room; it will have lecturers and teachers; it will have class-rooms; the exhibits will be changed continually; there will be an organ and concerts; there will be a theatre; there will be in it every appliance which will teach our pupils the exquisite joy, the true and real delight of expressing noble thought in beautiful and precious work.

On the Same.

By the Rev. W. Tuckwell, M.A., Stockton Rectory, Rugby.

I ASSUME that by the 'masses of the people' is meant the wage-earning working class; that love of art is desired for them as ministering to their happiness and elevating their intelligence, from missionary and philanthropic as well as from artistic motives.

Art, like charity, begins at home; appreciation of it will

be first manifested in the dwelling; and to those who know intimately the homes of the working class in town and country, a proposal to beautify these abodes suggests certain preliminary considerations. When all the daily business of life—the cooking, eating, tailoring, laundrying—of six, eight, ten inmates must be conducted in a single room not twelve feet square, it is clear that art must languish. The few shelves are crowded with necessary utensils: the passage to and fro of working garments has established a grimy dado on the walls like the hyena-mark in a prehistoric cave; the sack of potatoes in one corner, the tea-chest full of coal in another, the string of onions from the roof, lend themselves reluctantly to artistic treatment; the room is a manufactory of sordid daily wants, from which the children escape to school, the men to work or to the public-house; while the æsthetic faculties of the ever-resident house-mother are somehow overlaid by the more absorbing urgencies of the wash-tub, the rent-collector, the family wardrobe, and the children's meals. The proportion which dwellings like these bear to the better working homes is so absolutely unknown that if I were to rate them at a moiety no one probably could contradict me. That they are deplorably numerous I know, and I fulminate an initiatory protest against the selfishness which creates them, the carelessness which permits them, the blindness which ignores or trifles with their menacing import to our national and social future.

I said that the æsthetic faculty was overlaid: strange to say, even in dens like these it is not quite extinguished. I can recall few rooms in town or country from which the idea of ornament is wholly absent; in which space is not found upon the mantelpiece for headless china shepherdesses, and tailless china poodles, flung out as worthless by some more fastidious neighbour, but rescued from the gutter by that tolerance of imperfect finish which is incident to twelve shillings a week. And, as the dwellings and their circumstances improve, the decoration expands and develops with them by a law so uniform that a practised visitor can with tolerable accuracy diagnose the weekly rent and wages by an inspection of the walls and shelves. First, the china ornaments become entire, then the house is freshly papered, the discontinuity of the pattern at the seams betraying native workmanship. The clean wall is hung with photographs; and with them come burial cards, studies in black and white of a depressing kind, but testifying to deceased relatives of some repute, who did not, like Sydney Smith's grandfather,

disappear shortly after the assizes. Coloured pictures indicate a higher stage, and are supplied by the grocer's advertisements, or by portraits of prize calceolarias and auriculas from Sutton's catalogue. A distinct advance is marked by the introduction of tea-trays, at first of the gong-like sheet-iron kind manipulated by Miss Judy Smallweed, later of gaily painted tin; and the necessity of keeping these implements erect when not in use suggests commonly the addition of a massive Bible, bought in numbers and bound up, on whose recumbent surface may be built a pyramid of the children's Board school prizes, together with the 'Pilgrim's Progress,' 'Law's Serious Call,' and a volume of 'Dr. Cumming's Sermons.' We ascend finally to a region of coloured decanters and glowing vases, of Alum Bay flasks and wool-work mats; where funeral cards and grocers' houris give way to 'Red Riding Hood' and 'Cinderella,' to maple-framed engravings of the 'Death of Nelson' and 'Belshazzar's Feast,' to pictures of General Booth, Charles Bradlaugh, Esq., M.P., or Mr. Spurgeon, to samplers in which the housewife's maiden name meanders through a margin of texts, to heirloom corner cupboards and oak chests, cut-glass spirit-flasks, tobies, and many-riveted punchbowls.

From these various art galleries, highest and lowest alike, may be distilled two solid facts—that the craving for decoration is universal, and that the supply is execrable; the first fact entirely in our favour, the second necessitating a supplantive rather than a creative process. How to commend to working folk and how to introduce into their homes ornament at once beautiful and inexpensive, that is the problem to be solved.

The cheapest, the loveliest, the most certainly popular ornaments are flowers; unconscious missionaries of cleanliness, of art, of religion. Of cleanliness; for the window panes washed in their interest, the clean curtain pinned up in their honour, lead often to the discovery and the gradual reformation of one foul surrounding after another: of art; for a well-grown plant uglifies and dethrones all that is tawdry and vulgar in its neighbourhood: of religion; for the lessons of an expanding Picciola creep into the hearts of those who foster it as imperceptibly but as surely as its fibres penetrate the earth on which it rests. Beneficent and fruitful work has been done in this direction by the Birmingham Kyrle Society, who sold this spring for a penny each more than two thousand plants in pots and boxes to children and adults in the poorest quarters of the town, and offer prizes in

the autumn for the reproduction, with usury, of the talents thus entrusted. I would venture to suggest an expansion of their admirable efforts: that these hanging gardens, instead of brightening the windows only for the summer season, should become perennial; that in deep, strong, well-drained boxes should be planted in the coming autumn bulbs of common arum and of orchis, of daffodil, tulip, fritillary, crocus, overlaid with a spring growing succession of globe-flower and dropwort, and moon daisy and Jacob's ladder; of leopard's-bane, and periwinkle, and stonecrop, and St. John's-wort; of late chrysanthemums, and asters, and French marigolds; plants which ask scarcely other gardener than boon Nature's self, whose interest will never flag from early January to late October. I would point out how sixpenny-worth of wall-flowers, or tropæolums, or Virginia stock, or candytuft would bedizen both sides of an entire street, and with how little labour the small grey ivy and the *Ampelopsis Veitchii* could be taught to mask its frowsy walls. I would establish penny flower-shows once a month in every chapel or ward hall, with competition for prizes amongst the poor, with loans from the gardens of the rich, with stimulating peripatetic lecturers to explain and illustrate and fructify. I would tempt field classes on the Sunday afternoons to the Handsworth or the Harborne fields, with candle-box for vasculum and metal shoeing horn for digger; until the humblest interior should blossom all through the year with wild flowers cut and growing; until the murkiest streets should be crowded on a summer evening with rough but horticultural enthusiasts, turning out when the day's work is done with syringes and waterpots and shears to irrigate and trim and beautify their picturesque and blooming slums.

Artificial, as distinct from floral, decoration ranges under three heads—wall-paper, ornaments, pictures. The dejected student of the first two as at present extant supports himself on one abiding consolation, that their existing breed must shortly become extinct; that in the present day no block could possibly be cut, no mould cast, of the types which generated these barbaric ancestors of the geometric pattern and the Watcombe ware. A time must come when those who paper their walls will find only graceful designs with which to operate; when the purchasers of earthenware from artistic motive will not be able to meet with patterns which shall outrage art.

[Specimens were here shown: 1. of distemper painting

for cottage walls, with rules for composition of colouring and stencilling cornices at a cost of 1*s.* 6*d.* per room;[1] 2. of oriental rugs for carpeting at from 4*s.* to 6*s.*, and Syrian curtains at 1*s.* each; 3. of Verwood ware from 4*d.* upwards, Myatt from 6*d.*, Linthorpe, Barum, Nice, Spanish, from 1*s.*; while attention was called to other artistic English forms,[2] and to the cheap clouded glass known as Aurora, Opal, and Opalescent; 4. of exceedingly beautiful Heliographs from the Great Masters, to be bought for 10*d.* a dozen;[3] of good well-framed Chromos at 11*d.* each: of frames in black and oak ranging from 4*d.* to 9*d.* according to size; 5. of a handsome lamp in opaque [white glass, known as the Victoria reading lamp, and costing 2*s.*]

Artistic material is not wanting, not scarce, not costly; our task will be less to create than to introduce it; to extirpate the ugliness in possession, beloved and clung to 'because it is mine and because I chose it;' to beget the taste which shall crave and search out and select and domesticate what is beautiful instead of what is mischievous and mean. Indirect methods are obvious. We must act upon the supply; must establish or regenerate in poor neighbourhoods shops in which only approved objects shall have sale; must fit up specimen rooms for the guidance of intending purchasers; must agitate for the appointment of Government Art Inspectors, without whose approval no work may

[1] I strongly advocate distemper in the place of wall-paper, 1. because of its greater cheapness; 2. because all works of art show better against a painted wall than against paper with a pattern; 3. because of its sanitary advantages; 4. because paper is often used to conceal plastering bad in material and unevenly laid on.

[2] The following are the principal sources of cheap art-pottery in England: *Verwood*—Address: Mr. Harry Ferrett, Verwood, Dorset; *Myatt*—The Myatt Pottery Company, Bilston, Staffordshire; *Linthorpe*—Mr. J. Harrison, Linthorpe Art Pottery, Middlesborough-on-Tees; *Barum*—Mr. C. Brannam, Barnstaple; *Brislington*—Messrs. Pountney & Co., Bristol; *Danesby*—J. Bourne & Son, Denby Pottery, near Derby; *Abbotsford*—Abbotsford Ware Works, Kirkcaldy; *Watcombe*—Watcombe Terra Cotta Company, St. Mary Church, Torquay; *Devonshire*—Devonshire Faïence and Terra Cotta Company, Newton Abbott; *Torquay*—The Torquay Terra Cotta Company, Hele Cross, Torquay; *Wemyss*—Messrs. R. Heron & Son, Fife Pottery, Kirkcaldy; *Majolica*—Wardle & Co., Washington Works, Hanley, or G. Jones & Son, Stoke-upon-Trent; and in nearly all the Staffordshire firms; *Burmontoft*—Messrs. Wilcocks & Co., Burmontoft Art Pottery, Leeds; *Bretby*—Messrs. Tooth & Co., Bretby Art Pottery, Church Gresley, Burton-on-Trent; *Dunmore*—Mr. P. Gardner, Dunmore Pottery, near Stirling. The *Elton* Ware, made by Sir C. Elton, Clevedon, is very artistic but not yet cheap.

[3] The so-called heliographs, admirable photographic copies of nearly all the most famous paintings in Europe, are imported from Germany by Messrs. Marlborough, Gould, & Co., 52 Old Bailey; are sold by them wholesale at 10*d.* a dozen, and may be bought at any fancy stationer's for 1*d.* each.

issue from the manufactories; must persuade the tea-shops, which are the great source and fount of cottage ornament, to give away with their half-pounds of tea something better than the spun-glass ships, and hunting pictures, and black teapots, and real garnet bracelets which now console the consumer for the scant infusion of exotic element in the cheering condiment he buys. But at the root of all reform lies direct artistic education; careful teaching in Board schools of the intelligence as well as of the fingers; Art Museums made accessible and tempting to working-men, and provided with cultured showmen; cottage lectures in the slums themselves, at which the principles of beauty shall be taught by enthusiasts rather than by pedants; so as to create the knowledge, the discernment, the appreciation, without which improvement of domestic decoration will be mechanical merely, not æsthetically and spiritually elevating.

Art finds entrance at the ear as well as at the eye; we shall neglect a potent ally if we ignore the influence of music. If anyone doubts the popular love of melody, let him follow a hurdy-gurdy on its rounds; if he questions popular capacity to enjoy higher compositions, let him attend a threepenny concert at the Birmingham Town Hall. Here, again, the schools must lead the way. Boys and girls, taught to read and sing concerted music, will not sacrifice their acquirements because they have left school; a little organisation would form adult practising classes in every ward; would now and again fill the Town Hall with trained voices of artisans; would enrich the sleepy liturgies of many a church and chapel with splendid ornate services, sung by choirs of working men to crowded working congregations. And if it be true, as musical statistics say, that for every ten good singers you have one good instrumentalist, just imagine that estimate fulfilled amongst the masses; imagine the notes of the violin, the concertina, the piano, issuing from those verdant windows which will embower, as we have agreed, the ruralised wilds of Loveday Street, and Lawrence Street, and Charles Henry Street, and Summer Lane; imagine the demons of moral discord, of ruffianism and drunkenness and riot, retreating before the delights of solo and orchestral proficiency, as of old the harp of the son of Jesse chased the evil spirit from the sullen heart and moody brow of the forsaken king of Israel!

Other topics crowd upon me. The library is artistic as [illegible] as literary; the case of insects, minerals, birds is [illegible]ental as well as scientific; the shining microscope

under its glass case is picturesque as well as suggestive. I might plead that chess is classical, that cards are Oriental, that backgammon is Celtic and antiquarian; and so complete the cycle of surroundings which may win the working-man to a home enlivened and resourceful, no less than beautified and garnished. Fruitful, but unhandled further, I leave these subjects for discussion. I have given the word, great may be the company of the preachers! It is in no mere dilettante spirit that at the earnest request of Birmingham this special question has been propounded to us. The great problem of our day—the intellectual and social elevation of those irresistible masses whose hands are already stretched to grasp the political sovereignty of the land in which we live—must be approached in a scientific, but also with a philanthropic temper. To utilise historical experience, to master existing facts, to anticipate, to organise, to instruct, so that the coming time may witness a beneficent reconstruction of society, not a desolating invasion of the Goths—this is the philosophic process, which in mere previsional self-defence a superior class should undertake. To feel sacred pity for the oppressed and suffering, to hold that the wealth and intelligence and refinement of the few are bought too dearly by the aching penury and blank stagnation, and unlovely squalor of the many; to give time and toil and money in the present, to welcome the sacrifice of position and privilege in the future, if only this world in which our lot is cast may come to bear upon it the stamp of a Divine, not of a diabolical artificer; this is the sympathetic, the humanitarian, may I say the Christian process? On the two in conjunction I build my hopes of a coming golden age; hopes of a day when culture shall be wedded to force, religion to science, art to toil; when ostentation and luxury shall be the only vulgarising brand, plain living and high thinking the only title to nobility; when to develop the resources of Utopia, not to cope with the shortcomings of England, shall be the grateful task of an association like the present.

They say that repose has fled
For ever the course of the river of Time;
That cities will crowd to its edge
In a blacker incessanter line;
That the din will be more on its banks,
Denser the trade on its stream,
Flatter the plain where it flows,
Fiercer the sun overhead:

That never will those on its breast
See an ennobling sight,
Drink of the feeling of quiet again.
But—what was before us we know not,
And we know not what shall succeed.
Haply, the river of Time,
As it grows, as the towns on its marge
Fling their wavering lights
On a wider, statelier stream,
May acquire, if not the calm
Of its early mountainous shore,
Yet a solemn peace of its own.
And the width of the waters, the hush
Of the grey expanse where he floats,
Freshening its current and spotted with foam
As it draws to the ocean, may strike
Peace to the soul of the man on its breast.
As the pale waste widens around him,
As the banks fade dimmer away,
As the stars come out, and the night wind
Brings up the stream
Murmurs and scents of the infinite sea.

DISCUSSION.

Mr. T. C. Horsfall (Manchester) said it seemed to him that one of the chief secrets of Mr. Leland's success in the teaching of the application of design was the fact that his pupils were children. He gathered that Mr. Besant contemplated the formation of a class of persons above school age. It was important, however, to remember that they must get hold of children before they formed bad habits. They must not rest contented until they got instruction in design and its application to wood-carving and other arts made a part of the education in every elementary school. He believed that no step which they could take would have a more important effect in lessening the tendency to over-pressure than the introduction into the school curriculum of these subjects. There were two principles which they must keep in mind, two conditions without which they could not hope to see love and knowledge of art extensively diffused. The first of these was that from childhood people must see beautiful things constantly, and the other was that they must live under the influence of people who already knew the superiority of beauty to ugliness, and who would call their attention to it. They could not establish these two conditions among English people unless they got art into the schools. The success which had been obtained in teaching singing—a success far beyond the expectations at first formed—was due to the fact that children had been taught singing at an early age, before their nervous systems had formed the habit of not noticing differences of sound. They could not, in fact, over-estimate

the importance of an early beginning of all art teaching. Another point he wished to enforce was that, if they were to get the people to care much for good art, they must show it to them when applied to things which they already knew something about. There was, in his opinion, a marked neglect of this principle at Bethnal Green. There were in the collection many beautiful things, but they had no connection with the life of the people who went to see them, and it was the same with those things which were sent down in the loan collections to the large towns. How was it possible for the masses of the people to get from these out-of-the-way things any idea of rightness of form in those things which were used in their daily life? He thought it far more important that South Kensington should lend objects which answered this requirement, and were provided with adequate explanations, than that they should send out such things as they were now lending. They had in Manchester tried with considerable success the plan of showing works of art in which beauty of form and colour was applied to objects of every-day requirement in the homes of the people to whom they were shown. In Manchester they had also tried the experiment which Mr. Besant had recommended of having peripatetic explanations of the objects displayed. He had a fortnight ago the pleasure of spending three hours in the Manchester Art Museum with about twenty workmen, and their attention, so far as he could observe, never flagged for the whole of that three hours during which he was explaining the various objects to them. That was, to a great extent, because the objects he explained were familiar to them. He wished to move a resolution which directly touched this point, it was:—

That this Department recommends the Council of the Association to inform the Science and Art Department that, in the opinion of the Department, the collections lent from the South Kensington Museum to municipal and other museums would be much more useful than they now are if they consisted largely of things not only excellent in respect of artistic quality, but also fit for the use of English people.

Mr. P. H. Rathbone (Hon. Secretary of the Department) seconded the motion. It sought, he said, to carry out what the Free Libraries Committee of Liverpool had sought to carry out in a general way in that town. That committee had provided some fifteen specimens; some of them stuffed birds and animals, which were sent to one Board school after another to be explained before the children by the various teachers in the schools. Every case was carefully described by the committee, and he believed the masters were to be provided with a sort of skeleton lecture, in order to secure that the value of these specimens should be properly brought before the scholars. That could all be done just as well with the specimens which Mr. Tuckwell had shown them. The great difficulty in these matters in the Board schools was that the words passed through the minds of the children without leaving any impression, and that the teachers did not seem to find this out, and they did not realise the fact that in their lives the children had no definite ideas of the applicability of things beautiful. Therefore he thought Mr. Horsfall's proposition of the greatest value, and that the Department should be impressed with the fact that the objects sent

round should in some way resemble the objects which they had in daily use. He had found in travelling in Belgium that the best form of candlestick was that in common use, which could be obtained for about a penny farthing, and which was of a pretty green tint, the purest and best colour he knew anywhere; but he found, while that colour could be obtained at Bruges it could not be procured at Antwerp, where the difference of a shade in the colour made all the distinction between a thoroughly good and a moderately good article from an artistic point of view. He agreed with Mr. Horsfall that a great deal of this work must be done through the Board schools by a system of proper instruction for the young. He had been very greatly interested by what Mr. Tuckwell had told them about the different sorts of art pottery which were being made at the present time. It was, he thought, a striking as well as a gratifying fact that potters were now springing up in all parts, each one striving to bring out something purer and more truly artistic than anyone had tried before.

Mr. Mark H. Judge (Hon. Secretary of the Sunday Society) sought to move as a rider to Mr. Horsfall's resolution a recommendation to the Council to seek information from the authorities of those places where museums, free libraries, and art galleries have been opened on Sundays, in order to dispel the mistaken idea that Sunday opening leads to increased labour, and affirming that in the opinion of the department the best means of developing a love and appreciation of art among the masses was to use these institutions to the fullest extent on every day of the week; but the rider was ruled out of order by the chairman, who said it would come more appropriately after the paper set down for discussion at a later period of the day.

Mr. A. C. Osler said he felt very strongly that the proposed resolution would, if passed, bear the stamp of Birmingham upon it, and though one proposed in that department of the Social Science Association, would still be one for which Birmingham would be held to be responsible. The question which it placed before them was really whether the national museums should be the means of developing a love of the beautiful for its own sake, or whether they should be maintained for purposes of utility only. It seemed to him that the resolution pointed to the desirableness of the South Kensington authorities not carrying out what he considered its fundamental work, but attempting to lead the fashion. If they were to send out specimens of what they considered most suitable in modern pottery for workmen's houses, why not also what in their view was best in ladies' bonnets or ladies' dresses, or, which perhaps was even more wanted, in gentlemen's dress? If this kind of change took place the museums would come into collision with the shops and the door would be opened to jobbery. He did not think a development in that direction was at all desirable, and he desired to enter his strong protest against the resolution. He hoped, at all events, if the Department desired to pass it, it would do so in no hurried manner and not until it had received free and fair discussion.

Mr. F. J. Wilson (Leamington) referred to the importance of education in colour as well as in form. The child should be taught the meanings

of the three primitive colours; that red meant personality, blue nobility, and yellow isolation. Those three colours should be made to have a dominion and influence on the child's mind. With regard to Mr. Tuckwell's suggestions, they must not forget that the poor man in London changed his residence on an average three times a year, and that if any such decoration as he had suggested were attempted the landlord would charge him with depreciation. What working-man, also, would be likely to spend his time in decorating a house which he would be likely to leave in six months? Then, again, as to the suggested flower boxes, the landlords would be sure to object on the ground that they made the brickwork damp.

Mr. E. R. Taylor (Edgbaston), referring to the resolution of Mr. Horsfall, said if passed and acted upon it would severely cripple the Science and Art Department. He did not wish to appear there in the capacity of an advocate for South Kensington, but he might in fairness to them say that the line they went upon was to choose those things which were beautiful in form and colour, whether they had decorated the palaces of kings or the houses of workmen, and if any attempt were made, as was now sought, to limit their choice, he thought it would seriously injure the educational value of their museums.

The motion was then withdrawn.

Mr. W. H. Wills, M.P., said, as one who had been for more than twelve years connected with South Kensington as Secretary of the Bristol School of Art, he sympathised partially with the remarks of Mr. Osler. At the same time he thought that gentleman had misinterpreted the tone of the resolution moved by Mr. Horsfall. It seemed to him that that resolution would supply in some degree a missing link which was now wanted in what was offered by the loan collections. Unless the children in the Board schools were taught to distinguish between what was radically bad and what was intrinsically good, in colour and design, they could not hope to make much progress with them. They must teach people the A B C of any language before they could expect them to master its literature. He was afraid, from his experience of the loan collections from South Kensington, that unless they found volunteers to explain them, they were generally a sealed book to the mind of the average artisan. He had gone to exhibitions with his own workpeople, and he had always found that they took very little interest in an object which was not explained to them. There was, however, one way in which they could bring these matters home to their people. Some of them who were employers of labour had felt it necessary to provide for their workpeople places where they could have their meals, and he thought this afforded a ready and inexpensive means of showing them what was good in the matter of decoration. Had he heard nothing more than the two papers which had been read that day, he should consider that his time had been well spent in attending the Congress.

Dr. Heinemann (London) said it had been stated that if Michael Angelo had been born without arms he would still have been a great artist. He took this to mean that the hands, the eyes, and the lips did not constitute a great artist, but the whole cultivation of the mind

through successive generations. He thought a great and distinct progress in art culture was to be marked in the English people, and that was due to the development of the people and to the improved circumstances under which they lived; but still it was true that that artistic spirit, that poetic mind which found utterance in the works of Shakespeare, was not so frequently met with among the lower classes here as on the Continent. But they must have some descriptive power to bring these things to the minds of the people. Therefore it was that he thought Mr. Besant had been a little unjust to the Bethnal Green Museum. If the mind was a perfect blank concerning the beauties of artistic life, it was simply impossible that those persons could intelligently comprehend all the beauties of a picture or a model. He thought English life was remodelling itself, and that the Health Exhibition in London had marked the point of departure. There it had been possible to gather large numbers of people in a garden to listen to good music. That was a social revolution in English life, but it arose from causes which had long been at work on the Continent, where they found that true artistic spirit prevailing. But if they worked on the lines laid down in the papers before them, he did not doubt that there would be a considerable further development of that spirit.

Mr. Mark Judge, after complaining of the chairman's ruling in regard to his suggested rider, said that the question propounded for consideration embraced not only the topics which had been touched on by the two eloquent papers, but also whether we should only open the museums and art galleries on the six working days of the week. Considering that there were fifty-two Sundays in the year, in point of time it was very important to consider that aspect of the question. Mr. Powell would tell them that the only opportunity which the workingman had of considering these questions was on Sunday—his only leisure day of the week. Mr. Besant had referred to the failure of the Bethnal Green Museum, but he had not pointed out the greatest cause of its failure—namely, that it was only open on the six days of the week. Why, on the other hand, had that other museum of Mr. Barnett's, the vicar of St. Jude's, been such a great success? Because Mr. Barnett had a higher appreciation of his duty, and opened his museum to the people on the Sunday; had it only been open on the weekdays he very much doubted whether they would have heard anything of it. The Working Men's College was another case in point. Mr. Besant had spoken in commendatory terms of the success of that institution; but it met the wants of the working classes on Sundays. It was, in his opinion, foolish to sit and consider how best to bring art influences to the people if we maintained the system of closing the only places where the people could study art on the only day that they could visit them. There was only one remark of Mr. Besant's to which he desired to take exception, and that was his statement that the working-men of London would do nothing unless they were paid. There was, in his experience, no class who more devoted their energies without pay to the good of their fellows.

Mr. A. M. Bartleet (Edgbaston) maintained the desirableness of teaching drawing to both boys and girls in every elementary school, and

further that they should be taught to colour the outline, so that the children should have an idea of colour as well as form.

Mr. BESANT, in reply, referring to the remark of Mr. Judge, as to workmen being willing to give assistance without pay, said he was glad to be informed that there were numerous exceptions to the rule spoken of in the paper, and would be happy to modify his statement so far as to limit it to his own opinion. He rejoiced that so many speakers had enforced the necessity for peripatetic lecturers, to explain the objects shown, and if his proposed College of Art was started, it might very well include branches to carry out that suggestion. As Dr. Heinemann had pointed out, Germans had for long generations been exposed to artistic influences, and they saw the result. The influence of South Kensington, moreover, had already shown itself after less than one generation among the middle class. This he thought should encourage them to look for an equally rapid improvement among the working classes, if only the advantages they possessed were properly used.

The CHAIRMAN (Mr. N. Neal Solly), in closing the discussion, said he was sure the papers had been listened to and appreciated as they deserved to be, and that their influence would be felt in an agreement with the suggestion of Mr. Besant. His suggestions in regard to the Bethnal Green Museum, no less than those of Mr. Tuckwell, were of a most valuable kind. The question which had been discussed was deeply interesting to a Birmingham audience.

MISCELLANEOUS.

A Paper, of which the following is an abstract, on the 'Place of Art in Political Economy,'[1] was read by Mr. P. H. RATHBONE:—It is one of the most serious functions of a statesman to strive that the great body of the nation be well clothed, fed, and housed. It is not unnatural that he should ask himself whether it is wise to divert energies which ought to be mainly directed to these important ends, to what has been too much considered as a mere ornament of life. We have been too much in the habit of unconsciously confining the term Art to the imitative arts of painting and sculpture, &c., with perhaps a partial exception in favour of architecture, so far as it is considered as an object of beauty rather than of use. Hence many of our errors of taste in regard to architecture. We have taken buildings, eminently adapted for the purposes to which they were applied, and copied them for purposes to which they were not adapted. Then we wonder that these copies do not produce in us the same sense of beauty as their prototypes.

[1] This Paper has been published in pamphlet form by the Author.

For many years we have devoted ourselves, with considerable success, to being the cheapjacks of the world. We have been able to effect this by the aid of our coal mines, and by the practical possession of the cheapest labour in the world; I do not, of course, mean the lowest priced—for wages beyond a certain limit do *not* mean cheap labour. We must look forward, and that in no remote period, to losing this supremacy. Coal and steam are rapidly supplanting bone and sinew; and the invention of a furnace adapted to anthracite coal might entirely and most rapidly enable America to supplant us in the matter of coal.

If, therefore, we are to maintain our manufacturing position in the world, we must, in future, learn to manufacture the best and most tasteful fabrics, rather than the *cheapest*. The artistic education which would have prevented our defacing our towns with absurd and incongruous statues and buildings at outrageous expense, would have enabled us to supply Europe with those tasteful manufactures which, until lately, we have chiefly derived from France, where the necessity of artistic education for her workmen has been so long realised.

What more striking instance of the material value of Art education could you have than Paris? Here is a city without coal—with an insignificant river—with no natural manufacturing advantages whatever—which supports an enormous population by the taste of her artisans. Her position as capital—geographically an unfortunate one—is not sufficient to explain this.

At the present moment we are face to face with a very perplexing paradox. The average price of wheat this year has been the *lowest* on record, as we are informed by the 'Spectator.' Meat supplies are opening all over the world, and good South American mutton cannot secure more than 6*d.* per lb. in London, wholesale. Wool and cotton have been, and remain, extremely low. Many, if not most, of our cities are over-built. And yet, with the main necessities of life—food, clothing, and shelter—over-plentiful and cheap, the best-informed employers are looking forward to a period of more than ordinary distress among industrious workmen during the coming winter. There must be something wrong about this state of affairs. It seems mockery to talk of over-production of food, shelter, and clothing, when so large a proportion of our population are half-fed and clothed, and worse lodged than cattle. It is not so much that more necessaries are produced than are wanted,

as that more are produced than can be paid for. Now, what is the reason of this? Doubtless, there are temporary causes which will pass, but I venture to think that there is a *permanent* cause. Facilities of transport, the development of machinery, have enabled the population of the world to feed, clothe, and house themselves by working much fewer hours a day than formerly. Now, this would be all very well if they did work fewer hours a day, but they don't, and, what is more, they won't, at least, not to a sufficient extent. Let us suppose that the civilised population could formerly furnish themselves with necessaries by working ten hours a day, and we can do it now by working seven hours a day. Of course the number of hours is a mere hypothesis, but I believe a moderate one. If they all *did* work seven hours, well and good, they would have three extra hours to spend for rest, amusement, and enjoyments; but what is the real case? Why, that seven-tenths work ten hours a day, and three-tenths look on with idle hands.

What is the consequence? Why, that at the end of the year the seven-tenths have produced sufficient necessaries for the whole community, and that the three-tenths have earned nothing to pay for their share, a large proportion of which, therefore, is thrown back upon the hands of the producers, and we have the curse of over-production amid a semi-starving population. What is the remedy? Surely that the three-tenths should be employed in producing means of making the lives of the seven-tenths brighter, happier, more varied than at present. It is producing superfluities if you will, but superfluities that will do much to raise our workmen from the rank of machines and animals, into that of thinking, reasoning, life-enjoying men. They have as much right to the enjoyment of life as we. Much, no doubt, has been done, but much remains to be done.

I believe that, looking at the question in a purely material light and as a source of wealth, putting aside all other considerations, the cultivation of the Artistic taste is well worth the statesman's serious attention. It would be worth while to have a Committee to inquire what effect Schools of Art have already had upon the export trade of the country.

Mr. T. C. Horsfall contributed a Paper on the question, 'Are Local Governing Bodies justified in expending large sums of Public Money for the purpose of beautifying Towns,

and of providing Parks, Playgrounds, and other facilities for Public Recreation, and, if so, what are the lines on which they can most advantageously work?' The author said he took for granted that everyone believes it to be the duty of the community to provide for each class those things which it cannot provide for itself, and cannot lack without great injury to the whole community. He held, therefore, that if he showed that through the failure of local authorities to make towns beautiful, and to provide facilities for recreation for the working classes, grave injury has been caused to the whole country, the question he had to discuss must be answered affirmatively. He then proceeded to show that of the children and young people in the crowded parts of towns who cannot get pleasant exercise, many are reduced to poverty in later life by the weakness of body or mind and vicious habits caused by want of exercise. He showed also that many vigorous children, who will have strong exercise of one kind or another, are forced into habits well fitted to make them brutal and criminal, by having only such lawless modes of exercise as stone-throwing and street fights open to them. He then gave evidence to show that, in consequence of the banishment of natural beauty from the crowded parts of towns, many townspeople are quite ignorant of the commonest objects of nature, and he maintained that most of those who have this kind of ignorance cannot take pleasure in wholesome kinds of recreation, and that many of them are sure to become the victims of those pauperising kinds, drinking and gambling, which appeal to the lower senses.

As it is the interest of the community to have as few paupers and criminals as possible to maintain, he held that he had proved that local authorities are justified in expending large sums of public money in providing towns with beautiful things and facilities for recreation. Pointing out that many children in towns do not know how to play, and that a great many ratepayers, having never learnt to care for beauty, either of nature or art, would be opposed to the provision of art galleries, parks, &c., at the cost of the rates, he argued that the help of school managers is needed, to teach all townspeople to take wholesome exercise and enjoy beautiful things, and urged that all children should be taught at school how to play games and use gymnastic apparatus, and that all schools should be provided with small collections of pictures and other works of art. He mentioned that in Manchester and Bradford associations have been formed for the purpose of lending pictures to local schools;

that the London Art for Schools Association enabled managers of schools in any part of the United Kingdom to buy good pictures at low prices; and that the French Government have lately prepared a series of beautiful photographs and casts of sculpture and engravings for use in French schools of all grades.

He then recommended that town councils should make existing playgrounds in towns, including those of all schools, out of school-hours, of more use by providing them with gymnastic apparatus and well-trained custodians; that covered gymnasia, like one which has been at work successfully in Manchester for the last two years, should be provided for use in dark evenings and wet weather; and that every large town should be provided with several art galleries, similar to one which has been partly furnished in Manchester by the Art Museum Committee, and in which good art is shown, applied to things used in the homes of all people of the middle class and of many workpeople. He said that town councils ought to provide large towns with an almost complete ring round the towns of open spaces, partly consisting of parks, partly of play-fields; but that there is no chance of work so costly being done, as many ratepayers can hardly afford to pay their present rates, unless the inhabitants of large towns acquire the power of including the suburban districts, the inhabitants of which get most advantage from new parks, within the municipal boundary, without the consent of the inhabitants of the suburbs, and unless the owners of land in towns are made to contribute to the municipal revenues.

A Paper, entitled 'A Suggestion for the better Preservation of Open Spaces,' was sent by Mr. Robert Hunter, M.A., formerly honorary solicitor to the Commons' Preservation Society. Mr. Hunter opened his paper by drawing a sketch of the rapid progress of public opinion on the subject of open spaces; a public opinion that was aroused by the evils consequent upon the action of the Inclosures Commission created in the year 1845. Between the years 1845 and 1865, no less than 650,000 acres of common land were reduced to private ownership. This systematic appropriation was first stopped in the neighbourhood of London, about the year 1865, and rural enclosures were checked four years later. At the time of the passing of the Commons Act in 1876, new principles of treatment were acted upon, and the unpopular Inclosure Commission entirely remodelled and worked under the name of the Land Commission. In

the towns, attention was first drawn to the importance of gardens in crowded centres, and public opinion on this point found expression in the Metropolitan Open Spaces Act of 1881; followed in 1884 by the Disused Burial Grounds Act.

With the passing of these Acts there was the constant formation of parks by local authorities. At this time the following principles were established: (1.) That open land should be preserved in its open condition. (2.) That no opportunity should be lost of providing gardens in towns.

Notwithstanding this strength of public opinion, open spaces are not yet safe, since open land is liable to be enclosed by the Land Commissioners for the purposes of railways and other industrial undertakings. Yet there are dangers with which the Commons Preservation Society and other existing agencies are able to cope. The greatest danger arises in the possibility of commons being enclosed by the lord of the manor. This there is no constitutional means of resisting. The lord of manor must be consulted through commoners, since a voluntary association cannot buy land and become a commoner, and there are difficulties in the pecuniary support by such an association of litigation by a commoner.

[illegible] the [illegible] and there is great danger of land being [illegible] the [illegible] Enclosure Commissioners and Epsom Downs [illegible]. But voluntary association is no [illegible] commoners. The remedy for this [illegible] is in enforcing the duty of the committee of [illegible] under the Commons Act [illegible] for the following purposes: To [illegible] the properties possessing common rights; to manage all open spaces acquired in the public interest; to [illegible] with local authorities for the laying out of public gardens; and to [illegible] the protection of open spaces, rights of common and [illegible] properties [illegible]. Such a company might make [illegible] income in its properties [illegible], and its revenue [illegible] [illegible] The central idea is that [illegible] land [illegible] shall administer its property [illegible] with the protection of the public interests in open spaces.

[illegible] A [illegible] the [illegible] [illegible] [illegible]

begin with the suroundings, the writer observed that art influences tended to develop moral elevation. The love of art was innate in human nature, and there was an antagonism between high art and low morality. The influences of art being avowedly beneficial, those who denied to the people the opportunity of studying art must justify themselves. Having referred to the limited leisure of the working classes, and the absence among them of the means of elevating enjoyment, the paper urged that the study of art would supply those means, while the utilisation of the only leisure day of the working classes—Sunday—would supply the opportunity. There was no fixed principle in the opposition to the popular study of art on Sundays. The opponents of the opening of the national museums and exhibitions of art treasures were continually shifting their ground. There was undoubtedly a popular desire for such an opportunity. The influence of art studies was not less elevating on Sunday than on any other day. Idleness was not rest, but was morally injurious. There was no danger of universal and compulsory labour on Sunday being consequent upon the measure he advocated. In the case of Sunday schools and many other religious institutions, it was already recognised that the moral elevation of the many was a justification for the enforced labour and hardship of the few. In conclusion, the paper urged that the love of nature and art formed one of the best foundations for true religion.

Mr. Mark H. Judge (Hon. Secretary of the Sunday Society) then formally proposed the following resolution, of which by circular he had given notice:—

'That in the opinion of this department the best way to develop a love and appreciation of art among the masses of the people is, in the first instance, to utilise to the fullest extent the means which already exist for that purpose—i.e., our public museums, galleries, and libraries, with their art treasures and books; and this department therefore recommends the Council of the Association to communicate with the Town Councils of Birmingham, Chester, Manchester, Middlesborough, Newcastle-on-Tyne, Stoke-upon-Trent, and Wigan, where these institutions have been placed within the reach of the masses of the people on Sunday, their one leisure day of the week, urging those Town Councils to make known to other municipal corporations the facts connected with the Sunday opening in their respective towns, in order that the mistaken ideas which exist with regard to it may be dispelled, particularly those which are based on the assumption that such opening leads to increased labour on Sunday, an assumption for which members of this department have been unable to find any evidence in Birmingham, where Sunday opening has for many years prevailed; further, that the Council of the Association be asked to request her Majesty's Government to publish a report, giving the facts connected with the Sunday opening of the national museums and galleries at Kew, Hampton Court, Greenwich, and Dublin, with

the reasons which induce them to continue the Sunday opening of these institutions.'

Mr. J. WHITELY WARD, J.P. (Halifax) seconded the motion. Coming as he did from a manufacturing town in the north, where the free library was closed on Sunday, and where the museums and other institutions were likewise shut, it afforded him a peculiar pleasure to second this proposal, as he thought the information which Mr. Judge asked for could do no possible harm, and, on the other hand, ought to do much good.

Mr. CHARLES HILL (Secretary of the Working Men's Lord's Day Rest Association) moved an amendment in the following terms:—

'That this meeting disapproves of the proposal of Mr. Judge, and recommends the Council of the Association to devote its attention to the carrying out of the recommendations of the Parliamentary Committee of 1860, in favour of the opening of the national collections on week-day evenings till ten o'clock.'

He said that twenty-four years ago a Committee of the House of Commons reported in favour of the opening of the national museums on week-day evenings, and in consequence of that recommendation the South Kensington Museum had been opened since for three evenings in the week, with the result that it had been visited by some 7,000,000 of persons. The Bethnal Green Museum had been similarly opened for the past twelve years, with the result that nearly half the visitors who had attended the museum went on those occasions. The Reading-room of the British Museum had been lighted by the electric light for several years past, and the trustees stated that this was attended with the most beneficial results. It would be much better to try the same plan with the National Gallery and other institutions before tampering with the day of rest. The working people of this country did not want these places open on their day of rest. The most recent proof of this was to be found at the Trades Union Congress, which was held the week before at Aberdeen. There the subject was brought forward and discussed at the request of the agents of the Sunday Society, but after the proposal was made it was not seconded, and when the gentleman who proposed it wanted to withdraw it, the Congress would not allow him to do so, and on a vote being taken it was found that forty voted against Sunday opening and only twenty-one in its favour. Now if the working classes were in favour of Sunday opening, surely such a vote could not have been taken in the Trades Union Congress. But it was not the opinion of the working classes only that they had on this subject. Mr. Gladstone had always voted against Sunday opening of Museums, because he knew that it would tamper with the day of rest, and that it must increase Sunday labour. The Earl of Beaconsfield also continually spoke and voted against Sunday opening. At Manchester the opening of the libraries meant the employment of thirty persons from two till nine o'clock on Sundays. The late Sir William Siemens was a Vice-President of the Sunday Society, and a number of his workmen struck against a proposal that they should work on the Sunday.

The Rev. Canon BOWLBY (St. Philip's Rectory, Birmingham) said,

while not altogether agreeing with everything which had been said by the last speaker, he should be sorry if his amendment fell to the ground for want of a seconder; he would therefore second it. He was, however, very sorry that the question had been raised in that Department, and that such an apple of discord had been thrown into their midst. He was not altogether opposed to the proposal of Mr. Judge, since he was desirous of securing the utmost possible information on the point, and of keeping his mind perfectly free to act on any information which might hereafter be acquired. He should have been glad if that resolution had been much more comprehensive in its character, and if it had sought for information from a great many other places besides those mentioned. The question could never be settled to the satisfaction of the whole English nation till a Select Committee of the House of Commons had obtained all the information it was possible to receive. By opening art galleries and the places of public resort on the Sunday, they would be destroying and not assisting these two essentials which he had named. It was a good thing to look at pictures, but it was a higher thing to look above to the Supreme Being who made us; it was a good thing to sing on Sunday, but it was a higher thing to pray. If they opened the picture galleries on Sunday as a means of improving the intellectual capacities of the people and training them to appreciate the higher forms of art, they could not stop there, they must also open the theatres. He would protest with all his strength against the man who would close the theatre against him while he opened the art gallery. He would not allow that the theatre was below the art gallery as a means of moral improvement and intellectual advancement. He was sure that the opening of these institutions would be the beginning of the opening of every kind of amusement on the Sunday, changing the whole restful, happy, and beautiful character of the day into something else, and that the working men themselves, for whose benefit he acknowledged that those who advocated the change believed it would be made with the greatest sincerity, would be the first to ask that the whole thing should be undone. He believed that the working men of England were not desirous of this change. He had had forty years' experience of them in various parts of the country, and he was quite sure that they regarded it as a doubtful boon. The opinion which had been quoted of Mr. Gladstone and Lord Beaconsfield showed the feeling of our statesmen on the subject, while as to the parliamentary aspect of the question the petitions against it were seven or eight times as numerous as those in favour of Sunday opening. He earnestly hoped the Congress would hesitate long before it adopted any resolution which would pledge it to Sunday opening of museums and art galleries.

Rev. Henry Solly (Croydon) said he yielded to no man in his sense of reverence for the Lord's Day, but he thought it was most important that those who opposed Sunday opening should remember the great variety of spiritual platforms occupied by different persons in different ranks of society. He never witnessed a more mournful sight than he had witnessed in the Black Country on a Sunday, where men and boys were lurking about thoroughly idle, but not restful. It made

him sad to see how Sunday was desecrated by those who were unable to rise to higher methods. Mr. Broadhurst, as a devout Wesleyan Methodist, did not feel the wants of those who loafed about the Black Country or who fought cocks in Whitechapel. Mr. Hill had conveyed a wrong impression of what passed at the Trades Union Congress. He must have been aware that no vote was taken on the Sunday question in the manner he had described. The previous question was moved, since it was felt that, on the last day of the Congress, when many of the southern members had left, it was not fair to put so important a question before the delegates, and that it was desirable to shelve the matter until next year.

Mr. W. H. Greening (Birmingham) shared the regret which had already been expressed that this Sunday question should have been introduced into the Art Department. It seemed to him a pity that they should now be discussing a question of such vital moment as that in connection with a subject on which they all felt so deeply, namely, the power of art upon the masses. But when it was brought before them they were bound to take a stand for those principles which they loved and wished to defend. What they desired to defend was their common Christianity. He believed that the Lord's Day was a Divine institution, and that to adopt the policy suggested by Mr. Judge and his friends would be to inflict a needless wrong on a great many people without any corresponding benefit.

Miss Bewicke (London) said it seemed to be absurd that the upper classes, so-called, should be able to enjoy their pictures, books, and statues, any of which they could get together in their own private houses, and yet their fellow-men should be debarred from walking through the collections which had been brought together by the wealth of the nation.

Mr. Allan Granger (Birmingham) said he was associated with the Town Council of Birmingham as a direct labour representative, and he claimed to have some knowledge of the opinions of the working class. He had no hesitation in expressing his opinion that the large majority of that class were in favour of opening free libraries, picture galleries, public parks, and so forth, on the Sunday. Whether these poor people had formed a proper judgment he would not say; but that was the undoubted opinion of the class.

Mr. T. C. Horsfall (Manchester) was rather surprised to have heard Canon Bowlby and Mr. Greening discuss this question as if Christianity had succeeded in raising the people to the level which they ought to occupy. How could anyone pass through our large towns, and see anything of the life in those towns, and fail to see that what was called Christianity had been a dismal failure—at least, if its effects were measured by the money and energy which had been expended! It was painful to go into any large town and see how Sunday was spent by large numbers.

Mr. Mark H. Judge, in reply, pointed out that the amendment was not an amendment to his resolution in the proper sense of the term. It stated another proposition altogether—a proposition which, by the way, he distinctly approved of. Mr. Hill, and the two Bir-

mingham gentlemen who supported him, had been unable to point to any evil arising from the opening of the libraries and galleries on Sunday in Birmingham. If the mass of the working people disapproved of Sunday opening, he was very much surprised to find that the Birmingham galleries had been open for so many years. If the workmen of the late Sir William Siemens had one day's rest in seven, that was all they could expect, for in a state of civilisation all could not rest on the same day. He believed in the Birmingham library the suggestion about the employment of Jews had been carried out.

The CHAIRMAN (Mr. Rathbone) said he was desirous of expressing his regret at the contemptuous way in which the continental workman was always spoken of. The suggestion that he was less moral or less conscientious than the English workman was entirely unjustified by the facts. Then again, the continental Sunday was always spoken of as if Paris were the only town on the Continent. He was sure those who knew the continental workman would admit that he compared not unfavourably in morality and conscientiousness—certainly in courtesy and culture—with the English workman. Actors and actresses had a right to their holiday. The essential difference between the theatres and art galleries was that the art galleries belonged to the working man, and that as such he had a right to see them, but theatres do not belong to him, and were a matter of daily business. There was no difficulty in applying to this matter the same rule as was applied in the Jewish Sabbath, namely, that no occupation must be pursued which was undertaken for personal profit. A man should be allowed to use his own property for the sake of amusement and instruction. The simple way of looking at this matter was to ask them to remember that the supporters of the resolution did not seek to compel anyone to go to these places or to interfere with those who desired to keep the Sabbath by going to church; indeed, it would be quite wrong to force those people into the galleries, but the workmen were right in insisting on admission to their own galleries, and no one had the right to keep them out.

The amendment was then put, with the following result, as declared by the Chairman:

For Mr. Hill's amendment	8
Against	70
Majority against . .	62

The CHAIRMAN then asked Mr. Judge to consent to the first part of his resolution being left out. Mr. Judge consented, and the resolution was put to the meeting as follows:—

'That this department recommends the Council of the Association to communicate with the town councils of Birmingham, Chester, Manchester, Middlesborough, Newcastle-on-Tyne, Stoke-upon-Trent, and Wigan, where public museums, art galleries, and libraries have been placed within the reach of the masses of the people on Sunday, their one leisure day of the week, urging those town councils to make known

to other municipal corporations the facts connected with the Sunday opening in their respective towns, in order that the ideas which exist with regard to it may be investigated, particularly those which are based on the assumption that such opening leads to increased labour on Sunday, an assumption for which members of this department have been unable to find any evidence in Birmingham, where Sunday opening has for many years prevailed; further, that the Council of the Association be asked to request her Majesty's Government to publish a report, giving the facts connected with the Sunday opening of the national museums and galleries at Kew, Hampton Court, Greenwich, and Dublin, with the reasons which induce them to continue the Sunday opening of these institutions.'

The votes having been taken, the Chairman declared the following to be the result:—

For Mr. Judge's motion	85
Against	4
Majority in favour . .	81

The proceedings in this department were brought to a close with a Paper by Mrs. KENDAL, 'The Drama.'[1] Mrs. Kendal opened her paper by saying that the English people are rapidly becoming alive to the fact that the progress and culture of a nation depend upon its diversions as well as upon its occupations, and, as a matter of consequence, the drama is receiving an unprecedented meed of recognition. The following are chief among the differences between the condition of the drama in its earlier days and now. In old days, the utmost disorder existed in the half-lighted auditorium; and eating, drinking, and card-playing were allowed, and drunken brawls were of frequent occurrence. The players were looked upon as rogues and vagabonds. Now, the play is treated as a work of art, the scenery complete, the music good; the theatre warm and comfortable, though not so well ventilated as it should be in these days. But the playwright's work does not yet take the place it should in the literature of the day. Plays are seldom read. The present condition of the theatre has made most famous men of the day anxious to identify their names with it. The most remarkable change, however, is in the recognised social position of the professional player. Formerly, the theatrical profession was outside and beneath all others; now, all this is altered, the society of the intelligent and cultivated actor is sought after. Its influence as a teacher

[1] This Paper has been published in full by David Bogue, St. Martin's Place, W.C.

is a fact concerning the drama now only fully realised. The actor who has his heart and his soul in his work is compelled to think more than the mere man of business of human strength and weakness, soul, beauty, and folly.

One great evil connected with the drama is the way it is advertised; there having risen of late a flippant, personal style of theatrical journalism greatly to be deplored. Again, the drama has deteriorated in the style of play now considered most popular. Farces of a very low order now occupy a whole evening, having neither a moral nor literary value to redeem them. Burlesque has also deteriorated; this is the fault of the public, which alone can influence the character of plays provided for its amusement. The public is led far too much by the reviews, which, always written in extreme language, fill the daily papers. This should not be so; the public should be guided more by its own taste and feeling, which if free would pass very different verdicts upon these low plays. Plays should be popular because they are genuinely good, and actors should be popular because they act well, and not because they are advertised with Holloway's pills. It is more than a necessity that actors and actresses of position, who have the true interests of their profession in view, should make their lives an example to those with whom they are associated. By these means only can it maintain its dignity, and gain its proper place in the world of art. It rests with those who make it a profession, and with the ever-increasing public that supports it, to secure for it a useful, an elevating, and a glorious future.

APPENDICES.

APPENDIX A.[1]

REPORT OF THE COUNCIL TO THE CONCLUDING GENERAL MEETING OF MEMBERS AND ASSOCIATES.

THE Council have to congratulate the Members of the Association on the successful termination of the Twenty-eighth Annual Congress, and the third of the Association held in this borough. The attendance in the Departments has been good, and the interest which had from the first been actively aroused by the preparations for the meeting has been sustained throughout the course of the proceedings of the past week. The business of all the Departments has been well conducted, and the discussions, which in many instances have been of a high order, have been well regulated and of practical interest. The Address of the President was an able and well-timed vindication of a policy which the Association has always endeavoured to pursue, and the Council record with gratification the fact that it met with acclamations of approval.

The number of Members' tickets sold has been 181; of Associates', 400; and of Ladies' transferable tickets, 92; making a total of 673, a number not far from the total of tickets taken on the occasion, sixteen years ago, when the Association, under the presidency of the Earl of Carnarvon, received its second welcome from this great and enterprising town of Birmingham.

The hearty thanks of the Association are eminently due to the President, the Right Hon. G. Shaw-Lefevre, M.P., for his Inaugural Address, and constant services rendered in the discharge of the duties devolving upon his office.

The best thanks of the Association are also due to the Worshipful the Mayor, Mr. Alderman Cook, for his unflagging assistance and valuable co-operation in the excellent arrangements made for the reception of the Congress; to the Mayor also for granting the use of the Town Hall and Council House; to the President and Council of the Mason Science College, and the Council of the Midland Institute, for placing at the disposal of the Association accommodation in those buildings, which has so materially contributed to the convenience and success of the work carried on by the different Departments; to the Hon. General Secretaries, Mr. F. B. Goodman, J.P., Mr. G. S. Mathews,

[1] See *ante*, p. xxxiv.

M.A., and Dr. Robert Saundby, and to the other Local Officers and Committees for their indefatigable exertions in connection with the local organisation of the meeting.

The Council would also further tender their thanks to the Very Rev. Lord Alwyne Compton, D.D., the Dean of Worcester, for his sermon preached before the Association; to the Presidents of Departments for their Addresses and able services during the meeting; to the Mayor for his conversazione at the Council House, and for presiding at the Working Men's Meeting; and to the Reception Committee for their soirée in the same place.

The gratitude of the Association is also due to those ladies and gentlemen who have organised the excursions promoted by the Local Committee, and to the public bodies and the gentry of the town and neighbourhood who have so hospitably entertained Members and Associates on these occasions.

The Council would further tender their cordial thanks to the heads of the various institutions and the several firms who have so kindly thrown open their premises to the inspection of visitors attending the Congress; to the Post Office authorities for the great convenience afforded by the establishment of special facilities; to the Committees of the Union Club, the Liberal Club, the Conservative Club, and the Midland Club, for extending to visitors the privileges of their houses; and to all those residents who have accorded during the meeting so generous a hospitality to Members and Associates from a distance.

The Council would also convey an expression of their acknowledgments to the Railway Companies for the concessions granted to holders of Congress tickets residing within fifty miles of Birmingham.

The Council desire in conclusion to tender their hearty thanks to the public Press for their valuable services rendered in reporting in so admirable a manner the proceedings of the meeting.

The following are the detailed Reports of the various Departments:—

I.—Jurisprudence Department.

International and Municipal Law Section.

In the International and Municipal Law Section of the Jurisprudence Department, presided over by Mr. Westlake, Q.C., LL.D., the following special questions were discussed:—

First. 'What amendments are required in the system of Local Government in England, with regard to areas, functions, and representative or other authorities?'

Secondly. 'Is it desirable to introduce into the United Kingdom an Official Record of Rights and Interests in Land, such as exists in the Australasian Colonies?'

Thirdly. 'What reforms are desirable in the Law relating to the arrest and continued detention of alleged Lunatics, and to the control of their property?'

Upon the first of these questions Papers were contributed by Mr. Arthur F. Leach and by Mr. M. D. Chalmers. In the discussion

which ensued considerable difference of opinion was elicited as to the reforms desirable in the distribution of areas and functions.

Upon the second special question Papers were read by Mr. R. Denny Urlin and by Mr. J. H. Gregson. The speakers in the ensuing discussion were not altogether agreed as to the precise reforms necessary, but the preponderance of opinion, in consonance with the views for many years enunciated in this Association, was in favour of an official record of title in this country, and against a register of deeds, such as exists in the counties of Middlesex and York.

Upon the third special question Papers were read by Mr. A. E. Miller, Q.C., and by Mr. Meryon White. The majority of the speakers in the ensuing discussion were strongly opposed to the continuance of private asylums in which the proprietor has a direct pecuniary interest in the continued detention of his patients; but on other points there was but little agreement between the speakers.

Voluntary Papers were contributed on the following subjects:—

The Death Duties.

Imperial Federation.

Unclaimed funds of suitors in the English Chancery.

A proposal for the confirmation and extension of Local Government by the grants of special commissions prescribed by the Judicature Act, 1873.

The Law of Debt.

Local Courts of Justice.

The Position of the Mother in the Family.

The Infants Bill, 1884.

Among these we may specially refer to the Paper by Sir Richard Harrington on Local Courts of Justice, which received the warm approval of the Department.

Repression of Crime Section.

The Section was opened with an Address from the Chairman, Mr. J. S. Dugdale, Q.C., Recorder of Birmingham, which evoked considerable interest. The special question, 'Can our prisons be rendered in a considerable degree self-supporting, and, if so, by what means, without a sacrifice of their discipline and deterrent effect?' was discussed.

Papers were read by Mr. G. J. Holyoake and Mr. Alderman Manton, J. P., Chairman of the Visiting Justices of Birmingham.

Considerable unanimity prevailed as to the necessity of rendering prisons in a greater degree than at present self-supporting, and it was generally agreed that the Government should invite from the various bodies of visiting magistrates expressions of opinion as to what special work was best suited to the requirements of the localities.

A voluntary Paper by the Chaplain of Her Majesty's Prison, Clerkenwell, 'On a recent Epidemic of Attempted Suicides,' gave the experiences of the writer as to the periodical recurrence in certain months of an increased number of attempted suicides. It was urged by him that increased severity on the part of magistrates would form an opinion among the classes in which this offence was most prevalent, that this crime, which is now considered venial, is attempting self-

murder, and that a wide-spread belief of this fact might considerably reduce the number of such attempts.

In Papers by Mr. Alfred Hill, J.P., and Mr. A. Herbert Safford the special question, 'Should schools of discipline be established for the correction of juvenile offenders and for their detention for short periods' was opened. In the discussion which followed an additional system of schools to the existing industrial, reformatory, and truant schools was deprecated, but a general impression was apparent that it was undesirable to use ordinary industrial schools for the mere enforcing of the Elementary Education Acts.

Upon the special question, 'What means would reduce the traffic in stolen property?' Papers were read by Mr. Farndale, Chief Constable of Birmingham, and by Mr. Telfer, Trustee of the Metropolitan Pawnbrokers' Protection Society. Mr. Farndale contended for further legislative enactment for the registration of pawnbrokers and others, for the inspection of their books by the police, for further powers of search for stolen property by superior officers of police, and for the protection of such officers from actions when acting under a bona fide belief that the property was deposited in the place searched.

Mr. Telfer urged that no further legislative enactments were necessary as regarded pawnbrokers, while he admitted the desirableness of further legislative restrictions on metal dealers and purchasers of second-hand property.

A [illegible] discussion followed, the general feeling appearing to be [illegible] [illegible] powers to the [illegible] [illegible] nevertheless [illegible] [illegible] the powers which might [illegible] [illegible] [illegible]

been made by the Royal Commission for the abolition of the intermediate establishment at Lusk, pointed out that the expensiveness and unsatisfactory condition of this prison were owing, not to its original plan and management, but to the fact that these had been abandoned; and reminding the Section of the deep interest formerly taken in Irish prisons by the Association, urged that some further inquiry and some opportunities for public consideration should be obtained before that unique and hopeful experiment in prison dicipline was finally abolished.

A warm sympathy with the opinions of Mr. Hastings was manifested in the Section, and the thanks of the Association were felt to be due to him for his Address. The Council, in recognition of this feeling, has this morning resolved to appoint a special committee to investigate the subject, to take evidence, if necessary, and to report thereon. The committee to consist of Mr. Hastings, M.P., Sir Walter Crofton, C.B., Mr. Commissioner Miller, Q.C., LL.D., Mr. Denny Urlin, and Mr. A. Herbert Safford.

II.—Education.

The Department was opened under the presidency of Mr. Oscar Browning, M.A., whose Address to the Association had specially referred to the organisation of Secondary Education. Of the subjects selected for special discussion in this Department, the first Paper, relating to Secondary Education, admitted that payment by results in Elementary Schools is fairly successful, but it was maintained that great deficiencies exist unchecked in Secondary Schools, and that children are continually forced on at early stages to show 'results' which would not appear in a natural course of development. The hope was expressed that with better organisation the undue pressure of examination might be much reduced.

The second Paper dealt with Elementary Schools, and claimed a large measure of success for the system of grant-aided Schools, insisting on the necessity of providing an adequate guarantee that an appropriate return is rendered for the money expended by the State.

A third Paper maintained that 'results,' as now understood, are wholly insufficient as a guarantee of sound education.

The mode of providing for the training of Teachers of Primary Schools came next under discussion. The good work done by the pupil-teacher system in former days was recognised, but the restriction, or by some even the abolition, of it was called for. A principle of requiring only half-time work in school from the pupil-teacher was brought forward by several experienced advocates, and the example cited of the London School Board, whose pupil-teachers are prepared for their duties by two years' special instruction.

Strong doubts were expressed as to the suitableness and sufficiency of existing Training Colleges. The foundation of Day Training Colleges in towns was advocated.

The suggestion, which has on former occasions been urged in this Association, was made and favourably received, that an effort should be made to affiliate the Training Colleges to the Universities.

The powers of the Charity Commissioners specially under the Endowed Schools Acts was the third subject brought forward, though the magnitude of the income which might be made applicable to Educational purposes under Section 30 of the Act of 1869 led to some reference to dole, apprenticeship, and other charitable funds which are not now beneficially employed. Technical and Science Schools have a direct claim on those for apprenticeships.

In the discussion, the necessity of the full examination and inspection of all Endowed Schools was strongly insisted upon, though it was proposed to leave the choice of the examining body (from an authorised list of such bodies) to school authorities.

In the absence of the detailed evidence taken before the Select Committee of the House of Commons of 1884, the following resolution was passed *nem. con.*

'The Education Department of the Social Science Association beg to recommend to the Council of the Association that it is desirable to appoint a Committee of the Association to consider the organisation of Secondary Education in England, and its relations with the State.'

Various other subjects of much interest were also brought before the Department. Methods of teaching occupied much attention, and the educational value of the study of the Greek language and literature was discussed; thoroughness of teaching by whatever means was urgently insisted upon by all, and the test of 'results' inadequately applied, strongly deprecated.

The 'peripatetic' system of teaching science was explained. Under it groups of Public Elementary Schools had received weekly lessons which had been highly appreciated, at a very moderate cost. An interesting account of the local movement for maintaining Suburban Literary Institutes was also given.

A paper on 'The Brain of the School Child' showed the necessity of skilled medical supervision over schools, and the advantages which teachers would derive from some knowledge of the ordinary symptoms of nervous derangement.

The necessities of educated women, and the means of finding profitable employment for them, were brought forward with reference to technical instruction in needlework, dressmaking, and other occupations.

The claims of the Teachers' Guild to the support of the profession of teachers were brought forward by a member of the Guild, and attention invited to the utility of this organisation.

The Department was further favoured with a very valuable address by Professor Egleston, of the Columbia College, New York, giving evidence of the thoroughness of technical training in the United States for mining and other industries, and of the high standard of general culture which had been found to be the best preparation for it.

III.—Health.

This Department met on Thursday, September 18, under the presidency of Dr. Norman Chevers, C.I.E., when in a fully attended meeting Papers were read on the special question by their several

authors, viz., Mr. Edward Pritchard, C.E., Mr. Lawson Tait, F.R.C.S., and Captain Douglas Galton, C.B., the subject being:

What is the best method of dealing with:

(*a*) Town Sewage.

(*b*) The products of house scavenging.

(*c*) The products of combustion.

A paper entitled 'The Relation between Boards of Guardians and their Medical Officers,' was read by Dr. Joseph Rogers.

A paper entitled 'Asiatic Cholera, and some of the lessons learnt in its home in India,' by Surgeon-Major R. Pringle, was read by the author, and provoked an animated discussion.

On Friday, September 19, the special question, 'What are the best means, legislative or other, of securing those improvements in the Dwellings of the Poor which are essential to the welfare of the Community?' was read by the Rev. Henry Solly, in the absence of the author, Mr. John Hamer, Honorary Secretary to the Mansion House Council on the Dwellings of the Poor.

The meeting was exceptionally well attended, and a very animated discussion followed the reading of the Paper, which was protracted to a late hour in the day, the President of the Association, Mr. Shaw Lefevre, M.P., Mr. Powell, and Dr. Norman Chevers taking part in the debate. An opinion was expressed and generally conceded that it would be very undesirable to seek State help or interference, that every assistance should be offered to encourage private enterprise, and that it would be very unwise and undesirable for Local Authorities to build dwellings for the poor on land acquired by them under the provisions of the various Acts of Parliament, whether out of rates or otherwise.

A Paper read by Surgeon-Major Pringle on 'Vaccination and Revaccination' occasioned an animated discussion.

A Paper entitled 'Infectious Diseases' was read by Captain E. H. Verney, R.N., and concluded this day's proceedings.

On Saturday, September 20, when the chair was occupied by Dr. Foster, there was a fairly attended Section, and the following Papers were read:—

On 'Hospital Ships,' by Dr. P. Murray Braidwood.

On 'The Future of some London Hospitals,' by Mr. R. Denny Urlin. This Paper gave rise to considerable discussion, the opinion being that State aid should not, if possible, be invoked, or if it became absolutely necessary, that the same should only be employed to a very limited extent.

The meeting was brought to a conclusion by the reading of a Paper written and read by Mr. J. Lancaster Ranking, entitled 'A plea for Homes and Hospitals for Incurable and Chronic Diseases, with special reference to the Midland Counties Home for Incurables at Leamington.'

On Monday, September 22, the special question, 'How far may the average Death-rate of a Population be considered an efficient test of its Sanitary Condition, and by what means can the High Death-rate of Children be reduced?' was discussed in two Papers, one by Mr.

Noel A. Humphreys, of the General Register Office, Somerset House, and one by Dr. Henry Ashby, Physician to the Pendlebury Hospital for Sick Children. The debate was opened by Mr. Baldwin Latham, C.E., who supplemented the previous Papers by explaining by means of diagrams the connection between ground-water and infant mortality. An interesting discussion resulted, which occupied nearly the whole of the day.

A Paper entitled 'Sanitary Test Value of the Means for the Reduction of Child Mortality' was read by Dr. Herbert Page—which brought the business of this day's Section to a conclusion.

On Tuesday, September 23, the Department met at twelve o'clock. The first Paper read was by Mrs. R. W. Dale, 'A Short Account of Sanitary Work carried out in Birmingham by a Ladies' Association.'

A very animated discussion ensued, and an earnest expression of opinion was given that the Society in question was deserving of every support, and was carrying out a most useful and good work.

The business of the Department was concluded by the reading of an admirable and most useful paper by Surgeon-Major George A. Hutton, and entitled 'Facts and Figures connected with "First Aid," and the Carriage of Sick and Injured Persons.'

IV.—Economy and Trade.

On Thursday, September 18, the Department met under the presidency of Viscount Lymington, M.P., and Messrs. Emmett and Rubenstein read their Papers on the first special question, 'Would it be advantageous to give to leaseholders powers entitling them to the purchase of the fee simple of the lands and premises they occupy, or otherwise to interfere by law with the prevailing system of building and other long leases?'

The Papers dwelt upon evils arising out of the present system, and pointed out that both the lessor and the leaseholders suffered. The amendments suggested may be summarised as giving to the five years' occupant a right to acquire the fee simple in accordance with the terms to be settled by a court founded on the principles of the courts established under the Irish Land Act. In cases of leases having over thirty-five years to run, calculations as to redemption value should be based on the rental and the price of consols, and in other cases on the actual market value.

The discussion was full and interesting. Several speeches were delivered in favour of leasehold enfranchisement, and there was a consensus of opinion in recognition of the evils of life leases. A strong feeling was expressed in favour of the community being empowered through the municipality to purchase the fee simple for public purposes, but there was no unanimity as to methods of meeting the grievances asserted by some to arise from the present system of leaseholding.

The second special question, 'What have been the effects of the Limited Liability Acts on industry, and are any amendments required?' was dealt with by Mr. Latham Browne, who recommended various

restrictions on the Limited Liability Acts; limiting borrowing facilities, increasing the registration fees, making the responsibility of directors greater, demanding full declaration of all contracts made prior to the formation of the companies, and also suggesting a statutory form of account to be published.

The debate showed a recognition of the value of honest companies, and leaned to such amendments of the law as should secure rectitude of management, by increasing the responsibility of directors, though there was no general wish to make that responsibility unlimited. The French system of companies *en commandite* was spoken of with favour by several members of the Department.

The third special question, 'What is the social condition of the Working Classes in 1884 as compared with 1857, when the first meeting of the National Association for the Promotion of Social Science was held in Birmingham, and in what way can the Working Classes best utilise their savings?' was treated very fully by Professor Leone Levi and Mr. Vansittart Neale, showing that the social condition of the working classes had been materially improved, though they did not agree as to the extent, the Professor taking a more favourable view of the improvement attained. The Professor inclined to an enlarged use of present methods of saving earnings. He had no great expectation that labour partnerships would become a means of social amelioration, while Mr. Vansittart Neale dwelt with great hope on this method of investment.

The discussion was very discursive. Several speakers insisted upon the fact that the greatest reason why the working classes had not advanced more, lay in their having used their earnings for luxuries, especially drink, instead of upon necessaries of life.

Among the voluntary writers Mr. Timmins directed attention to the methods by which, in Messrs. Tangyes' works, the workmen are enabled to share in the profits of the manufactory, and to receive very varied advantages, which give them a special interest in the prosperity of the firm. The inequality of railway rates, and their specially unfair incidence upon the staple trades of the Midlands, formed the topic of two valuable Papers, one by Mr. Hickman and another by Mr. Smith Casson. Mr. Scott showed the injurious influence of those rates upon the fish traffic of the district. There was a very general dissatisfaction expressed of the rates charged by the railway companies, but a doubt was generally felt whether any relief could be found except by the development of steamer traffic upon canals. Miss Biggs pointed out, with the unanimous approval of the Section, the great importance of women being appointed to the guardianship of the poor. In discussing Mr. Jesse Collings's Paper on 'Peasant Proprietorship,' a very great diversity of opinion was expressed as to the value of small farms as compared with large ones, the most contradictory statistics being adduced as to their productiveness.

V.—Art.

This Department, presided over by Mr. Beresford-Hope, M.P., opened with Papers advocating that drawing should be made an essential part of elementary education, Mr. Rowland Hamilton advocating this on purely physiological grounds, while Mr. Seddon and Mr. Rathbone, in the Paper by the former and the remarks of the latter, showed its desirableness on artistic and economic grounds. Miss S. Beale's Paper that followed was supported by a very practical Paper by Mr. C. Leland, in which was given an account of the technical schools founded and organised by Mr. Leland with such success in Philadelphia. The meeting expressed considerable interest in these Papers, and cordially supported the views of the speakers.

The Papers by Lady Macfarren and Mr. de Manby Sergison were received with no less cordial support, each of these writers strongly advocating the introduction of class singing into all elementary and high schools. Various testimony in favour of this was given by the numerous speakers entering into the discussion of these Papers.

Mr. Rathbone's Paper, showing the economic value of Art, with special reference to Birmingham industries, was received most favourably, though it called forth no discussion.

Mr. Hornfall's Paper, dealing with the question of municipal expenditure on the architecture of public buildings and purchase of public recreation grounds, was evidently well received by an audience composed chiefly of many influential and active members of local societies that have done so much to promote the dignity and pleasantness of the town. The Paper was illustrated by works of art supplied by the French Government to French schools, and also by works supplied by the Art for Schools Association in London.

Mr. Hunter dealt in his Paper, on 'The Preservation and Purchase of Commons,' with a kindred subject, and was supported in his remarks by Mr. Shaw-Lefevre, M.P., and numerous other speakers.

Mr. Walter Besant and the Rev. W. Tuckwell, M.A., read very able Papers, in which very practical means were set forth for a more successful awakening of interest on the part of the labouring classes in art of a high as well as useful kind. Mr. Tuckwell exhibited specimens of such artistic objects as were within the reach, and not too far above the taste, of the poorer masses.

Mr. Powell's Paper on the Sunday question was received without any dissentient opinions being passed upon it. Mr. Mark Judge moved, and the Rev. H. Solly seconded, the following resolution, which by 86 votes against 4 was carried:—

'That this Department recommends the Council of the Association to communicate with the Town Councils of Birmingham, Chester, Manchester, Middlesborough, Newcastle-on-Tyne, Stoke-upon-Trent, and Wigan, where the Free Libraries have been placed within the reach of the masses of the people on Sunday, their one leisure day of the week, urging those Town Councils to make known to other Municipal Corporations the facts connected with the Sunday opening in

their respective towns, in order that the ideas which exist with regard to it may be investigated, particularly those which are based on the assumption that such opening leads to increased labour on Sunday, an assumption for which the members of this Department have been unable to find any evidence in Birmingham, where Sunday opening has for many years prevailed; further, that the Council of the Association be asked to request Her Majesty's Government to publish a report, giving the facts connected with the Sunday opening of the National Museums and Galleries at Kew, Hampton Court, Greenwich, and Dublin, with the reasons which induce them to continue the Sunday opening of these Institutions.'

Mrs. Kendal brought our proceedings to a close in this Department by a very strong Paper on the Drama, a Paper that was attended by a densely-packed audience, listened to with rapt attention, and applauded most warmly. It was followed by an interesting and animated discussion, in which a great number spoke, and freely discussed the merits and shortcomings of the present English stage.

On the whole this Department was well attended, and the public showed considerable interest in the Papers under discussion, especially those advocating fuller means of popular enjoyment and recreation.

APPENDIX B.[1]

ABSTRACT OF AN ADDRESS ON TECHNICAL EDUCATION IN THE UNITED STATES.

By THOMAS EGLESTON, *Professor of Mineralogy and Metallurgy, Columbia College, New York.*

Professor Egleston, of New York, gave an address in the Education Department on technical education in the United States. At the present time he had, he thought, a right to say that there was probably no country where technical education was now so thoroughly developed as in the United States. There were three kinds of schools for technical education. The first was for the education of engineers, and by that term was meant men who designed, or planned work of any kind. Next, there was provision of a lower grade for the education of master workmen; and the third class of provision was for the education of workmen themselves. One thing was most remarkable in all his experience of technical education, and that was that previous culture of any kind—no matter what culture—was found to be a great means of success. In the class of schools for engineers, if a man failed in mathematics he necessarily went back a year, this being because they held the study of mathematics gave a closer and better training than almost any other for the work an engineer had to do. Another requisite with them was the study of French and German. Taking the work of two men, they found the man with the least ability, but

[1] See p. 418.

with these languages, would distance the other. It was important that there should only be a certain number of students under a teacher. About a dozen was the number a person could know thoroughly, and know where they were strong or where they were weak, but when they taught students in masses they lowered the standard of efficiency. Under the influence of the technical education which had been going on in the States, if they went to any well-ordered establishment or mine, or metallurgical or construction works, the chances were that about nine out of ten of the men who superintended the works were men trained in a technical school. In most of the metallurgical works such a change had taken place that a man acquainted only with the processes of twenty years ago would find himself at a complete loss. For master workmen there was a series of training schools from the eastern to the western States, and after running ten years they could not turn out men fast enough to take places open to them. The master workman was amongst other things taught how to handle men so as to get the most work out of them with the least fatigue to their bodies, so that the work done at the twelfth hour of the day might be as good as at the first hour. Professor Egleston also spoke of the workmen's schools and the good results they yielded. Men had been brought to take a pride in their work, and been raised in the social scale by their connection with these schools. Life was short with them, and they had to do things in a hurry. When they could get work done in a hurry and done well, it was some proof of the value of the technical schools he spoke of. In speaking of technical education, he drew attention to the question of the education of locomotive drivers, men to whom they entrusted their lives every day. They ought to be specially trained, and not have to get their experience as they now did. A description of what was done for educating and bringing the street arabs in New York into ways of earning their livelihood honestly was also given.[1]

[1] This Address has been published by the author *in extenso*.

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